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BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
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March 6, 2015

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Petan Company of Nevada, Inc.
c/o John Jackson
HC 32 P.O. Box 450
Tuscarora, Nevada 89834

Notice of Field Manager's Final Decision

Dear Mr. Jackson:

Thank you for working with the Bureau of Land Management (BLM) throughout this permit renewal process. We appreciate your interest in grazing the Garat Allotment in a sustainable fashion and we are confident that this final decision achieves that objective. The BLM remains dedicated to processing Petan's grazing permit application for the allotment.

I signed a proposed decision to renew Petan's grazing permit on January 16, 2015. The proposed decision included terms and conditions that would make significant progress toward meeting the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs), as well as the objectives of the Owyhee Resource Management Plan (ORMP). Petan Company of Nevada, Inc. (Petan) received that proposed decision on January 20, 2015. We received Petan's protest of the proposed decision on February 5. The BLM also received protest submissions regarding the proposed decision for the Garat Allotment from Western Watersheds Project and from Wildlands Defense. In addition, Owyhee County prepared a white paper regarding the Garat Allotment Proposed Decision in preparation for the February 2015, monthly coordination meetings between the Boise District and the County. Although this white paper was not identified as a protest submission, it identified concerns with the proposed decision. I have chosen to respond to points raised in the white paper at the same time I respond to protest points.

All points raised within the protest submissions received and the issues raised in the white paper received from Owyhee County, with my responses, are provided in the attached document titled "Protest Responses - Garat Allotment." Economic information provided by the County in the 2014 Regional Economic Impact Model of Owyhee County was used to update section 3.13-Economic and Social Values of the Garat Allotment Livestock Grazing Permit Renewal

Environmental Assessment (DOI-BLM-ID-B030-2014-0015-EA). These data and updated information were incorporated and analyzed in the EA and were considered in reaching the Finding of No Significant Impact (FONSI) and the final decision. This final decision has been revised from the proposed decision to clarify details of the terms and conditions of the permit that will be offered and as noted in the responses to protests received.

Introduction

The BLM evaluated grazing practices and conditions in the Garat Allotment in 2012 and again in 2014 after the remand from the Office of Hearings and Appeals. The BLM undertook this effort to ensure that any renewed grazing permit on the allotment comports with the BLM's legal and land management obligations. As part of that process, the BLM completed a Rangeland Health Assessment/Evaluation Report and a Determination in 2014. As we have discussed, the Determination found that current livestock management practices on the Garat Allotment were significant causal factors in the allotment's failure to meet or make significant progress toward meeting the Idaho S&Gs. This final decision incorporates by reference the analysis contained in those documents.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Garat Allotment. A scoping package was sent to permittees and other known individuals, groups, and organizations recognized as the interested public for the Garat, Castlehead-Lambert, Swisher Springs, and Swisher FFR allotments (also known as the Owyhee Group or Group 1 Allotments). The scoping package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. The Owyhee River Group (Group 1) Allotments Livestock Grazing Permit Renewal Environmental Assessment (DOI-BLM-ID-BO30_2012_0012_EA) was completed in January 2013, supporting the March 29, 2013, Notice of Field Manager's Final Decision for the Garat Allotment. Upon appeal to the Office of Hearings and Appeals, that final decision was set aside and remanded so that the BLM could supplement the environmental assessment (EA) and issue another decision. The BLM completed the July 2014 Rangeland Health Assessment and Evaluation Report for the Garat Allotment, as well as the July 5, 2014, Determination for the Garat Allotment as part of the effort to supplement the EA.

After evaluating conditions on the land and meeting with the public, it became clear to me and my staff that resource issues requiring improvement currently exist on the Garat Allotment. It was also clear that some of those issues could be addressed by adjusting livestock grazing.

The BLM prepared and issued an EA¹ in which we considered a number of options and approaches to improving resource conditions. Specifically, the BLM considered and analyzed in detail Petan's application for grazing permit renewal and 4 additional alternatives. The BLM also considered other alternatives that we did not analyze in detail. The BLM considered, but did not analyze in detail, the utilization of new range improvements as an alternative to resolve resource

¹ EA number DOI-BLM-ID-B030-2014-0015-EA analyzed five alternatives for livestock grazing management practices to fully process renewal of the grazing permit within the Garat Allotment. The EA is available on the web at: http://www.blm.gov/id/st/en/prog/grazing/owyhee_grazing_group/grazing_permit_renewal.html

issues. Our overarching goal in developing alternatives was to consider options that were important to Petan as the permittee, and to consider options that, if selected, would ensure that the Garat Allotment's natural resources conform to the goals and objectives of the ORMP and the Idaho S&Gs. This final decision incorporates by reference the analysis contained in the Garat Final EA.

We have completed the most difficult part of the permit renewal process and I am now prepared to issue a final decision to renew Petan's permit to graze livestock within the Garat Allotment. Upon implementation of the decision, Petan's permit to graze livestock in the Garat Allotment will be fully processed for the first time since the revisions to the grazing regulations² in 1995, adoption of the Idaho S&Gs in 1997, and implementation of the ORMP in 1999.

This final decision will:

- Describe current conditions and issues on the allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Garat Allotment;
- Outline my final decision to select Alternative 4A; and
- State the reasons why I made that selection.

Although the application for permit renewal received from Petan included the request for use of motorized access or mechanized equipment within the Owyhee River Wilderness and was analyzed within the EA, this final decision will not address the authorization of prohibitions of certain uses identified in section 4(c) of the Wilderness Act of 1964. Authorization of motorized access and mechanized equipment in accordance with the Wilderness Act of 1964 and the Omnibus Public Lands Management Act of 2009 that designated the Owyhee River Wilderness will be addressed in a separate decision, because regulations pertaining to the administrative appeals process for grazing decisions and wilderness decisions differ. The BLM will address wilderness access (and issue a decision) following completion of a Minimum Requirements Analysis, tiered to the forthcoming Owyhee Canyonlands Wilderness and Wild and Scenic River Management Plan. This analysis will determine the minimum tool necessary, including the potential use of motorized/mechanized equipment, to successfully accomplish the request by Petan to maintain projects (and deliver salt), while minimizing impacts to wilderness character.

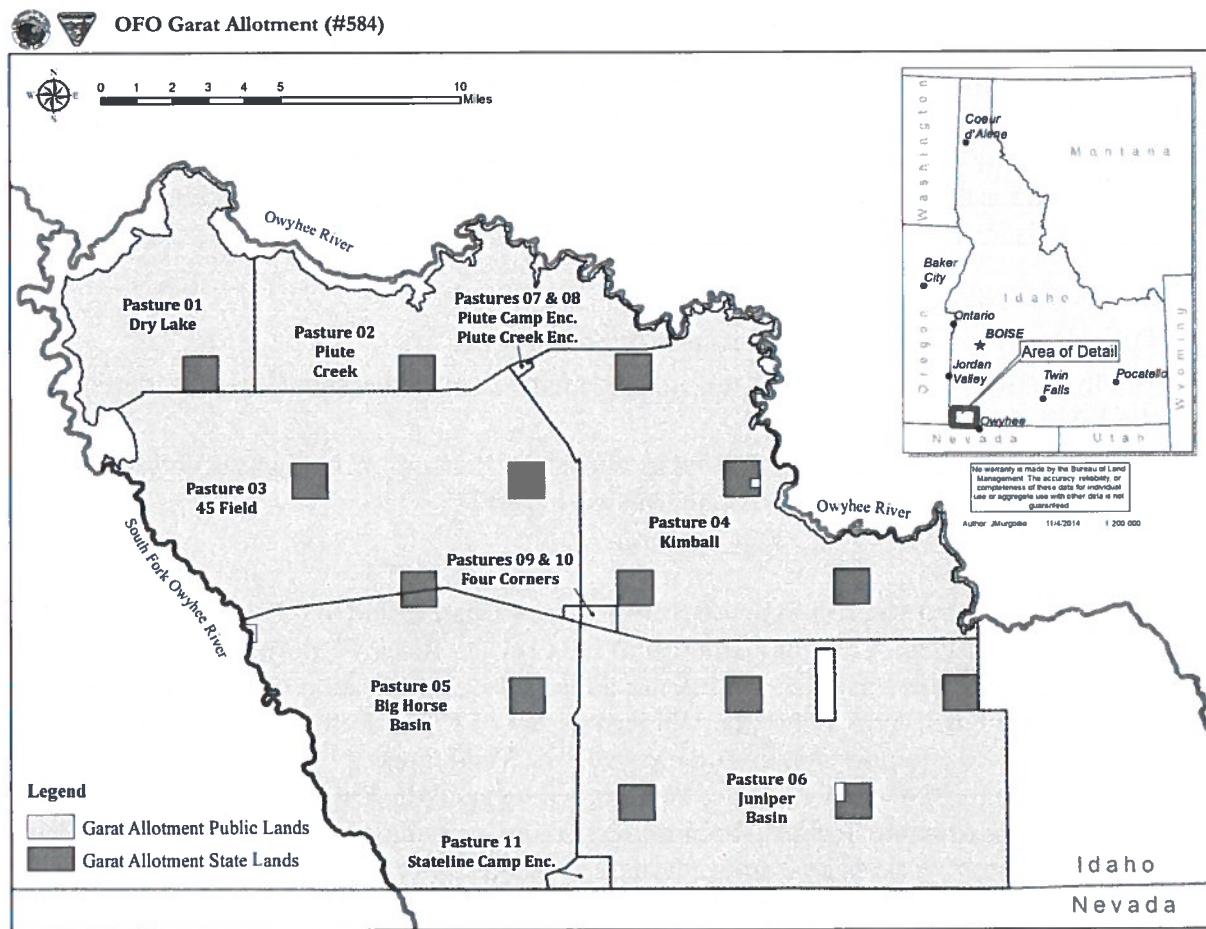
Background

Allotment Setting

The Garat Allotment is located in Owyhee County, Idaho, and is bordered by the East Fork of the Owyhee River on the north, the South Fork of the Owyhee River on the west, the Nevada state line on the south, and the Duck Valley Indian Reservation on the east. The Garat Allotment includes 202,618 acres of public land, 8,836 acres of state land, and 207 acres of private land in 6 pastures used to implement livestock management practices. In addition, the allotment includes a number of enclosures used for temporary livestock holding or other purposes (see map).

² 43 C.F.R. Subpart 4100 is the federal regulations that govern public land grazing administration.

Map 1: Location of the Garat Allotment and the pastures within the allotment



The allotment is situated within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and bunchgrasses where native vegetation communities are variable. Limited precipitation with cold winters and dry summers constrain plants and animals. Where deeper soils exist (approximately 65 percent of the allotment), the potential native vegetation is primarily Wyoming big sagebrush with an understory of native perennial bunchgrasses. In areas of shallow soils, approximately 33 percent of the allotment, there exists potential to support mostly low sagebrush with the same native perennial bunchgrass understory. The effective average annual precipitation for these vegetation communities is eight inches for the drier sites and thirteen inches for the more moist sites. Precipitation occurs primarily during the winter.³

³ For more detailed discussion, please refer to the affected environment sections of EA number DOI-BLM-ID-B030-2014-0015-EA.

Current Grazing Authorization

Petan currently grazes livestock within the Garat Allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follow:

Table 1: Livestock grazing currently permitted on the Garat Allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00584 Garat	3,150	Cattle	03/15	09/30	94	Active	19,470
	250	Cattle	10/1	10/15	94	Active	116
	15	Horse	03/15	09/30	100	Active	99

Other terms and conditions:

- As per your 1989 grazing agreement for the Garat Allotment 19,500 AUMs will be considered active preference and 3,250 AUMs will be considered voluntary nonuse.
- All grazing use within the Garat Allotment (#0584) will be in accordance with your existing 1989 grazing agreement.

Terms and conditions #1 and #11 (listed below) are specifically addressed in the 1989 grazing agreement for the Garat Allotment.

1. Turnout is subject to Boise District range-readiness criteria.
2. Your completed actual use report is due within 15 days of completing your authorized annual grazing use.
3. Salt and/or supplements shall not be placed within one quarter (1/4) mile of springs, streams, meadows, aspen stands, playas, or water developments.
4. Changes to the scheduled use require prior approval.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
7. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signator or assignee. All maintenance of range improvements within a wilderness study area requires prior consultation with the authorized officer.
8. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and comply with Boise District Policy.
9. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 C.F.R. § 4140.1(b)(1) and shall result in action by the authorized officer under 43 C.F.R. §§ 4150.1 and 4160.1.
10. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
11. Utilization may not exceed 50 percent of the current year's growth.

As part of a settlement agreement in Civ. No. 97-0519-S-BLW, the following additional terms and conditions were added to the permit in February of 2000:

- Key herbaceous riparian vegetation, where stream bank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;
- Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;
- Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

As you know, the current permit authorizes annual use of 19,500 animal unit months (AUMs)⁴ of forage and a season of use between March 15 and October 15. However, based on actual use reports submitted over the 10-year period between 2002 and 2011, it is clear that, in most years, Petan has used fewer AUMs than authorized. Specifically, over the 10-year period identified above, Petan's actual use has averaged 14,763 AUMs per year, with a high of 18,870 AUMs and a low of 10,719 AUMs. Actual use reports show that grazing over the past 10 years consistently stayed within the scheduled season of use for the allotment.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotment. In other words, the current condition of the allotment is not the result of 19,500 AUMs being removed every year (as authorized under the current permit), but rather is the result of the removal of a varied number of AUMs that averaged approximately 14,763 AUMs per year between 2002 and 2011. Reported actual use identified even fewer AUMs used in 2012 (6,856 AUMs), 2013 (8,985 AUMs), and 2014 (4,800 AUMs) due to limited livestock water availability in the allotment.

Resource Conditions

The BLM completed a rangeland health assessment, evaluation, and determination for the Garat Allotment in 2014. In those documents, the BLM concluded that resources on the Garat Allotment were not meeting the Idaho S&Gs. Specifically, the BLM concluded in the July 2014, Garat Allotment Rangeland Health Assessment and Evaluation Report that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 4 (Native Plant Communities), and 8 (Threatened and Endangered Plants and Animals). In addition, the BLM's evaluation concluded that current resource conditions were not conforming to all of the objectives set out in the ORMP. Finally, the July 8, 2014, Determination for the Garat Allotment determined that current livestock management practices were significant causal factors in not meeting Standards 2,

⁴ Animal unit month (AUM) means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

4 and 8, and do not conform with the BLM's Guidelines for Grazing Management.⁵ I am confident that this final decision will address the resource concerns identified below:

Vegetation - uplands

The BLM's 2014 Rangeland Health Assessment and Evaluation for the Garat Allotment showed that the allotment is not meeting the ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas. The allotment is not meeting the ORMP vegetation management objective because plant communities in many areas have shifted from co-dominance of desirable deep-rooted perennial bunchgrasses (e.g., bluebunch wheatgrass, Idaho fescue, Thurber's needlegrass) and sagebrush to greater dominance of sagebrush species and less-desirable shallow-rooted bunchgrasses (e.g., Sandberg bluegrass and squirreltail). This shift is evident when comparing the reference site conditions in state-and-transition models to current vegetation composition on the allotment. The shift in vegetation composition is particularly evident in pastures 3, 4, and 5, although this shift has occurred to some degree in all pastures. Portions of pastures 5 and 6 also exhibit an increase in exotic annual grasses (such as chickgrass).

Rangeland Health Standard 4 (Native Plant Communities) is not being met within pastures 3, 4, 5, and 6 due to departure of biotic integrity indicators from site potential. In addition, portions of pastures 5 and 6 are dominated by annual species and are not meeting Standard 4. Healthy, productive, and diverse populations of native plants are maintained at an adequate level within pastures 1 and 2 such that taken individually, those pastures would be considered to be meeting Standard 4, even with existing departures from reference site conditions. Failure to meet Standard 4 in pastures 3, 5, and 6 is attributed to historic grazing management practices and fire history, while failure to meet the standard in Pasture 4 is attributed to current livestock grazing management practices that have led to a downward trend at key monitoring sites.⁶

Watersheds

The BLM's 2014 Rangeland Health Assessment and Evaluation for the Garat Allotment concluded that Standard 1 (Watersheds) is not being met in pastures 1, 3, and 6, as well as in other localized areas of the allotment. Disturbance from altered natural fire regimes and historic grazing management were identified as the primary causes for not meeting Standard 1 and have resulted in departures from expected conditions in the plant community. As a result, the Garat Allotment has experienced a change in vegetative cover that has led to unfavorable changes in infiltration and caused increased runoff and erosion. These departures adversely affect upland soil and hydrologic function and influence proper nutrient cycling, hydrologic cycling, and energy flow at various levels.⁷

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Appendix F.

⁶ For more detailed discussion regarding vegetation resources in the Garat Allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.3.1

⁷ For more detailed discussion regarding upland watershed and soil resources in the Garat Allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.4.1

Water Resources and Riparian/Wetland Areas

The BLM's 2014 Rangeland Health Assessment and Evaluation for the Garat Allotment concluded that Standard 2 is not being met in pastures 2, 3, and 4 in the Garat Allotment. The most recent proper functioning condition (PFC) assessments (2014) identify that the riparian reaches of Piute Creek that occur within these pastures are functional at-risk (FAR). A stock reservoir at the headwaters, a well, and prolonged drought have influenced the system, and impacts to the hydric segments of the stream from the mechanical damage from livestock have compounded these effects. The water table is being lowered, which affects the presence and composition of riparian plant species. The system has transitioned to species that are more tolerant of drier conditions, and the reach primarily contains one hydric species of *Juncus*, with upland species occurring in the riparian zone. The creek occurs in a low-gradient valley bottom, and over the long term, the extent of the wetland area is diminishing. In the short term, the wet meadow areas appear stable, but they are not at their full potential. Scouring, bare ground, and erosion are occurring because of discontinuous cover of essential deep-rooted riparian plants, which would dissipate energy and protect against vulnerabilities.

Current livestock grazing management practices are significant causal factors for not meeting Standard 2. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function, and the recent grazing schedule has not allowed for rest or deferment years. Recent actual use data indicate that pastures 2-4 have been used primarily during the spring and summer months, with sporadic rest occurring in pastures 2 and 3 since 2005. Many of the short- and long-term impacts identified in the PFC assessments are attributable to livestock. In particular, mechanical damage and removal of hydric vegetation are directly linked to current livestock use.⁸

Special Status Plants

The BLM's 2014 Rangeland Health Assessment and Evaluation for the Garat Allotment concluded that the allotment is not meeting Standard 8 for Davis' peppergrass, a special status plant species found in playas in Pasture 5. Threats to Davis' peppergrass are associated with livestock concentration, trampling, and soil disturbance. The playa habitat is easily damaged due to the types of soils—specifically, hard clay bottoms on volcanic plains that are inundated with water and are vulnerable to degradation during spring seasons.⁹

Wildlife/Wildlife Habitats and Special Status Animals

The BLM's 2014 Rangeland Health Assessment and Evaluation for the Garat Allotment concluded that the allotment is not meeting Standard 8 for special status wildlife species. The allotment is not meeting Standard 8 because upland habitats and riparian habitats (where present) are not providing the composition, structure, and function necessary for many obligate, dependent, and associated migratory birds and special status wildlife species.

Suitability of upland and riparian wildlife habitat is closely related to the health and vigor of vegetation community conditions discussed in Standard 4 (Native Plant Communities) and

⁸ For more detailed discussion regarding water resources and riparian/wetland areas in the Garat Allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.6.2

⁹ For more detailed discussion regarding special status plant species in the Garat Allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.5.1

Standard 2 (Riparian Areas and Wetlands). Shrub steppe habitats dominated by several species of sagebrush and perennial bunchgrasses that are expected to occur across the vast majority of the allotment, based on ecological site descriptions, have the potential to provide vital nesting and foraging habitat for many special status wildlife species. Currently, however, upland habitats throughout the allotment are generally characterized by relatively tall, dense stands of sagebrush composed of columnar individuals with many broken, dead, and dying branches. In addition, healthy, productive, and diverse populations of native perennial grasses (especially tall-statured, deep-rooted bunchgrasses) and forbs are not being maintained within these big sagebrush stands. These conditions are particularly evident in pastures 3, 4, 5, and 6, although these issues exist to some degree in all pastures. The absence of shrub structure at various heights affects nesting habitat by reducing nesting substrate and increasing the likelihood of predation. In addition, the absence of tall native grasses and forbs affects species that are adapted to foraging on seeds and insects in native habitats. Of primary concern is the ability of these sagebrush communities to provide habitat structure (diverse and intersecting overstory/understory interface) and function (nesting, security, and foraging cover) for effective habitat for shrub-obligate and -dependent species such as greater sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, sage sparrows, and Wyoming ground squirrels.

Although riparian and wetland habitats are minimal in the Garat Allotment, some stream courses have the potential to support limited woody and herbaceous hydric species. Piute Creek in pastures 2, 3, and 4 was assessed as functional at-risk, and several springs in Pasture 4 were assessed as non-functional; the riparian and wetland habitats that would be expected at these sites are nearly absent, as is the diversity of expected riparian-associated wildlife species. The reduced amount of woody and herbaceous hydric vegetation is limiting the amount of nesting structure and cover and foraging habitat that many obligate, dependent, and associated wildlife species require.

Overall, the proper composition, structure, and function of native upland and riparian vegetation communities needed to meet the habitat requirements for special status wildlife species are generally lacking to varying degrees within the allotment. The results of historic grazing and wildfire (in pastures 3, 5, and 6 in particular), and current livestock management (in Pasture 4) in upland habitats have variously resulted in a shrub canopy layer with undesirable structural and functional characteristics. These features contribute to inhibited herbaceous vigor and reduced annual production of larger bunchgrasses in the understory and thereby favor an increased occurrence of smaller bunchgrasses and annuals. In addition, current livestock grazing within the small amount of riparian and wetland areas is limiting the necessary habitat components critical to the welfare of many wildlife species in the allotment. In summary, Standard 8 is not being met because the current habitat conditions in pastures 3, 4, 5, and 6 in particular are inadequate to meet the minimum requirements for many special status wildlife species within the allotment.¹⁰

Wilderness/Wild and Scenic Rivers

Approximately 49,653 acres of the Garat Allotment are located within the 267,000-acre Owyhee River Wilderness, which was designated in 2009 by the Omnibus Public Land Management Act (OPLMA). The maintenance of facilities supporting authorized grazing, existing in an area prior

¹⁰ For more detailed discussion regarding wildlife habitats and special status wildlife in the Garat Allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.1

to its classification as wilderness is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. The grazing permit renewal application received included the request for authorization of the use of motorized equipment within designated wilderness in the performance of maintenance of facilities that support livestock grazing. Authorization of motorized access and mechanized equipment in accordance with the Wilderness Act of 1964 and the OPLMA will be addressed in a separate decision.

The East Fork and South Fork Owyhee Rivers are two of 16 river segments designated as Wild and Scenic Rivers in the OPLMA. The canyon rims along the East Fork and South Fork Owyhee Rivers make up the northern and western borders of the allotment, and as such, livestock grazing is not authorized within the river canyons. Livestock access to the river corridors is restricted by natural barriers and fencing.¹¹

Guidelines for Livestock Grazing Management

In addition to a discussion of rangeland health standards, the BLM's 2014 Determination for the Garat Allotment identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, the determination concluded that grazing management did not conform to the following guidelines:

Guideline 4: Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate cover appropriate to site potential.

Guideline 5: Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure for energy dissipation, sediment capture, ground water recharge, streambank stability, and wildlife habitat appropriate to site potential.

Guideline 8: Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, nutrient cycle, and energy flow that will support the appropriate types and amounts of soil organisms, plants, and animals appropriate to soil type, climate, and landform.

Guideline 9: Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species relative to soil type, climate, and landform.

Guideline 12: Apply grazing management practices and/or facilities that maintain or promote the physical and biological conditions necessary to sustain native plant populations and wildlife habitats in native plant communities.

¹¹ For more detailed discussion regarding wilderness and wild and scenic rivers in the Garat Allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.1

Guideline 20: Design management fences to minimize adverse impacts, such as habitat fragmentation, to maintain habitat integrity and connectivity for native plants and animals.

Since the Garat Allotment is not meeting one or more of the Idaho S&Gs because of current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schemes to bring the authorized actions within the allotment into compliance with resource objectives.

Issues

Based on the BLM's evaluation of the current grazing scheme, the current conditions on the Garat Allotment, public response to scoping, and the BLM's obligations to meet the Idaho S&Gs and move toward meeting the ORMP management objectives, the BLM identified the following resource issues applicable to the grazing permit renewal for the Garat Allotment:

- Issue 1: Improve upland vegetation plant communities, and in particular, reverse the shift from desirable to undesirable native plant communities.
- Issue 2: Improve watershed conditions within upland sites.
- Issue 3: Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).
- Issue 4: Improve riparian vegetation and stream-bank stability associated with streams and springs/sseps.
- Issue 5: Protect special status plants and improve the habitats supporting special status plants.
- Issue 6: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse and other special status wildlife species.
- Issue 7: Consider whether grazing within the Garat Allotment can be used to limit wildfire.
- Issue 8: Consider impacts to regional socioeconomic activity generated by livestock production.
- Issue 9: Consider the need for occasional use of motorized equipment for the maintenance of facilities supporting livestock grazing within designated wilderness, where practical alternatives do not exist.¹²

Analysis of Alternative Actions

Based on the current condition of the Garat Allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in improved conditions on the allotment. Specifically, the BLM analyzed five alternatives in detail, identified a number of actions common to all alternatives,

¹² Although BLM identified and analyzed this issue in the EA, this final decision will not address the authorization of prohibitions of certain uses identified in section 4(c) of the Wilderness Act of 1964.

and considered, but did not analyze in detail, a number of other possible actions.¹³ The BLM considered the following alternatives in detail:

- **Alternative 1 – Current Situation:** Alternative 1 considered continuation of current livestock management practices as they occurred over the past 10 years. The BLM defined the Current Situation alternative for the purposes of analysis in the EA as that grazing which occurred under the current permit and which led to current conditions on the allotment. In this way, Alternative 1 is linked to the BLM's description of current conditions on the allotment as outlined in the Affected Environment sections of the EA.

Livestock grazing within the Garat Allotment would be authorized in accordance with the 1989 Management Agreement between Petan and the BLM. Active grazing use of 18,870 AUMs would be authorized, consistent with the maximum actual use that was recently reported.

- **Alternative 2 – Permittee's Application for Permit Renewal:** Alternative 2 analyzed the application for permit renewal received from Petan on August 21, 2014, and includes the permit terms and conditions requested in that application.¹⁴ This alternative includes a deferred-rotation grazing strategy and 20,264 authorized AUMs during years 1 through 3 of the permit (an increase of 764 AUMs from the current permit, and an increase of 1,394 AUMs when compared to Alternative 1). This alternative further increases active use during years 4 through 10 of the permit to 22,750 AUMs (an increase of 3,250 AUMs from the current permit, and is an increase of 3,880 AUMs when compared to Alternative 1). This alternative captures your belief that there are no resource issues and additional AUMs are available for use on the allotment. Additionally, consistent with the application received, Alternative 2 includes range-readiness criteria specific to the Garat Allotment, a change in the billing process to allow payment based on actual use after completing the grazing season, authorization to graze horses used for livestock management in the allotment at two camp locations, and authorization to place salt and to access and maintain range projects within the Owyhee River Wilderness with motorized vehicles and equipment consistent with the management practices in such areas prior to wilderness designation. Within Petan's application for grazing permit renewal, you requested several range improvement projects (RIPs) even though inclusion of RIPs was outside the scope of the purpose and need of the project. Specifically, Petan's request for two wells to be redrilled; these wells are existing infrastructure, were previously approved by the BLM, and are likely considered maintenance and thus need no additional approval through this final decision. As such, the BLM will coordinate with Petan on this request, as well as other maintenance needs and requests separate from this decision. Other RIPs requests were considered but not

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA sections 2.

¹⁴ The August 21, 2014 application for renewal of a permit to graze livestock within the Garat Allotment that was received from Petan Company of Nevada identified two options. The first option requested additional AUMs for use on the allotment and was analyzed as Alternative 2 in the EA. The second option was considered, but not analyzed in detail, in the EA.

analyzed in detail within the EA (Section 2.6.3), as these requests are outside of the scope of the EA and need to be considered separately, requiring the BLM to evaluate them in meeting multiple use management objectives as outlined in the ORMP [43 C.F.R. § 4120.3-1 (a) and (b)].

- **Alternative 3 –Performance-based Alternative:** Alternative 3 starts with the current grazing permit and adds new terms and conditions that constrain the intensity of grazing use in specific ways to improve specific resource conditions. The new terms and conditions are implemented to improve and maintain the health and vigor of upland perennial herbaceous species, maintain hydrologic function and soil/site stability, meet riparian management objectives, and provide suitable habitats for special status wildlife species, including sage-grouse. Alternative 3 does not change livestock numbers, scheduled beginning and end dates for use of the allotments, pasture rotations, pasture seasons of use, active use AUMs, or other terms and conditions from those in the current permit. Instead, the alternative allows the permittee to work within the established dates and livestock numbers that currently exist, as long as the permittee can ensure that specific targets are met.
- **Alternative 4 –Season-based Alternative:** Alternative 4 seeks to address resource issues on the allotment by changing when livestock can graze within each pasture of the allotment. Specifically, Alternative 4 establishes new seasons of grazing use that limit adverse impacts from livestock grazing on specific identified resource values present within each pasture. The seasons of use developed by the BLM attempt to do the following: 1) provide more frequent year-long rest or deferment of livestock grazing use to a period outside the active growing season for native perennial bunchgrass species, 2) limit the frequency of disruption and livestock use within sage-grouse breeding habitats, and 3) limit mid-summer grazing use of riparian areas. Application of appropriate seasons of grazing use, resource-specific to each pasture, limits the timing and duration of available grazing in some pastures and results in the overall reduction in the level of authorized grazing use by 47 percent as compared to the current permit. When compared to average actual use over the 10-year period between 2002 and 2011, Alternative 4 would reduce the level of active use by 30 percent.

Three sub-alternatives of Alternative 4 were considered and analyzed. The sub-alternatives differed in the method that would be utilized in implementing limitations to the frequency of mid-summer grazing use of riparian areas adjacent to Piute Creek. Under Alternative 4A, the total acreage of pastures containing riparian resources associated with Piute Creek would be managed with a grazing schedule developed to limit the frequency of mid-summer use. Under Alternative 4B, livestock management practices (e.g., herding, salt and supplement placement, livestock movement) would constrain access to riparian areas associated with Piute Creek, while allowing the remainder of the affected pastures to be available for grazing use unlimited by the riparian constraint. Under Alternative 4C, the total acreage of pastures containing riparian resources adjacent to Piute Creek would be managed with a grazing schedule the same as under sub-alternative 4A, except that the 0.3-mile portion of Piute Creek in the Kimball Pasture (Pasture 4) would be managed as a livestock water-gap and would not have limitations applied to avoid mid-summer use.

- **Alternative 5 – No Grazing:** Alternative 5 removes livestock grazing from the Garat Allotment for 10 years, equivalent to the term of a grazing permit. This alternative would allow resources to recover by removing livestock grazing use on the allotment.

The preliminary EA detailing the above alternatives was made available for public review and comment for a 35-day period ending November 11, 2014. In addition to timely comments received from Petan, comments were also received from the State of Idaho Department of Environmental Quality, Western Watersheds Project, and one collective submission of comments from the Idaho Cattle Association, Public Lands Council, Owyhee Cattleman's Association, National Beef Association, and Idaho Farm Bureau Federation. Timely comments that were received are summarized and responses provided as an appendix to the completed EA, available on the web at:

http://www.blm.gov/id/st/en/prog/grazing/owyhee_grazing_group/grazing_permit_renewal.html

Final Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, as well as other information, it is my final decision to renew Petan's grazing permit for 10 years with terms and conditions consistent with Alternative 4A (Season-based alternative) in the EA. Implementation of Alternative 4A over the next 10 years will allow the Garat Allotment to make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

Petan will be offered a grazing permit for a term of 10 years with 10,350 active AUMs and the 10,896 previously suspended AUMs. Adoption of Alternative 4A will result in a reduction in AUMs from Petan's current 33,646 AUMs of permitted use¹⁵ to 21,246 AUMs of permitted use. The affected 9,150 active use AUMs and 3,250 voluntary nonuse AUMs will not be transferred to suspension, in conformance with regulatory direction at 43 C.F.R. § 4110.3-2. Permitted use within the Garat Allotment will be as follows:

Table 2: Permitted use on the Garat Allotment under the final decision:

Active Use	Suspension	Permitted Use
10,350 AUMs	10,896	21,246 AUMs

The terms and conditions of the grazing permit will be as follow:

Table 3: Terms and conditions of the grazing permit for the Garat Allotment

Allotment	Livestock		Grazing Period		% PL*	Type Use	AUMs
	Number	Kind	Begin	End			
00584 Garat	1,604	Cattle	03/15	09/30	96	Active	10,126
	250	Cattle	10/1	10/15	96	Active	118
	15	Horse	03/15	10/15	100	Active	106

¹⁵ Permitted use is the combination of active use and suspension as the three terms are defined in regulation (43 C.F.R. § 4100.0-5)

^aThe current permit recognizes 94 percent public land and recognizes forage production from private land within the Owyhee River Canyon controlled by Petan Company of Nevada, Inc. Lands within the Owyhee River Canyon were removed from the Garat Allotment with implementation of the Owyhee Resource Management Plan in 1999, resulting in 96 percent public land within the current allotment boundaries and identified in the permit that will be offered.

Terms and conditions:

1. Grazing use of the Garat Allotment (00584) will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated March 6, 2015. Flexibility in dates of livestock moves between pastures is provided to meet resource management and livestock management objectives, so long as move dates adhere to seasons of use constraints identified in the decision. Changes to the scheduled use require prior approval by the authorized officer, consistent with standard terms and conditions.
2. Line 2 of the schedule above provides management flexibility for strays at the close of the grazing season, not to exceed 250 head from 10/1 to 10/15.
3. Line 3 of the schedule above provides management flexibility for an average of 15 head of horses through the grazing season within the horse fields located near Stateline Camp and Four Corners Camp. Approximately 10 saddle horses may be kept at one or both of these locations season-long, but not to exceed 75 horses during periods when cattle are being moved between pastures or during branding, not to exceed 106 AUMs.
4. Livestock turnout is subject to Boise District range-readiness criteria.
5. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for the allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
6. Supplemental feeding is limited to salt, mineral, and/or protein, in block or granular form. If used, supplements must be placed at least one-quarter (1/4) mile away from any riparian area, springs, streams, meadow, aspen stand, playa, special status plant populations, or water development. Use of other supplements on public land requires annual authorization by the authorized officer.
7. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. You must notify any/all affected permittees or landowners in advance of crossing.
8. Livestock enclosures located within your grazing allotment [e.g., Piute Camp Enclosure (Pasture 7) and Piute Creek Enclosure (Pasture 8)] are closed to all domestic grazing use.
9. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within designated wilderness requires prior consultation with the authorized officer subject to the BLM Wilderness management and policies.
10. Bird ladders that meet BLM standards must be installed and functioning on all water troughs on public lands. It is your responsibility to install and maintain all bird ladders. On permanent troughs, you are required to inform the BLM when bird ladders are needed, and the BLM will supply bird ladders. On temporary troughs, you are responsible for providing bird ladders.
11. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.

Leases of land and/or livestock must be notarized prior to submission and comply with Boise District Policy.

12. Pursuant to 43 C.F.R. § 10.4(b), you must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 C.F.R. § 10.2) on federal lands. Pursuant to 43 C.F.R. § 10.4(c), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
13. Utilization may not exceed 50 percent of the current year's growth, in accordance with the Owyhee Resource Management Plan.
14. You shall provide administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands.
15. Grazing use will be billed after the fact, based upon the permittee's Actual Grazing Use report form(s).

As noted in term and condition #1, the grazing schedule for the Garat Allotment (identified below) must be followed:

Table 5: Grazing schedule for the Garat Allotment under Alternative 4A

Pasture	Pasture Name	Year 1	Year 2	Year 3
1	Dry Lake ¹	3/15-6/30 ²	3/15-4/15	3/15-4/15
2	Piute Creek ¹			
3	Forty-Five	7/1 to 10/15 ²	Rest	4/16 to 6/30
4	Kimball	Rest	4/16 to 6/30	7/1 to 10/15 ²
5	Big Horse ³	3/15 to 10/15 ²	7/1 to 10/15 ²	7/1 to 10/15 ²
6	Juniper Basin	3/15 to 10/15 ²	7/1 to 10/15 ²	7/1 to 10/15 ²
7	Piute Camp Enclosure	Livestock Exclusion		
8	Piute Creek Enclosure			
9	Four Corners West	3/15 to 10/15 Horses		
10	Four Corners East	and		
11	Stateline	Short-term cattle holding		

¹Dry Lake and Piute Creek will be managed as one unit because of a lack of a barrier to livestock movement between the pastures. Grazing use of these pastures in any year after 7/1 is not scheduled due to limited water available to support livestock use and increasing risk of livestock moving into the Owyhee River Canyon.

² Although dates of use overlap between pastures, the intent of the grazing schedule is to provide flexibility while maintaining orderly administration of grazing use within each pasture. Pastures will be maintained as separate livestock management units without open gates allowing drift between pastures, although more than one pasture may be used at one time. Flexibility is provided to adjust the livestock move dates based on climatic conditions and water availability as long as scheduled dates of periodic non-use to provide sage-grouse breeding habitat, upland vegetation growing season deferment, and riparian deferment are provided.

³ The grazing schedule for the Big Horse Pasture recognizes the limited water available to support livestock use, especially as the grazing season progresses. The grazing schedule does not define any period when the Big Horse Pasture is the only pasture available for use. In years when livestock water is available in the Big Horse Pasture, flexibility for grazing use is provided

consistent with note #2. Although the Big Horse Pasture is identified in the grazing schedule with scheduled use at the same times as use in the Juniper Basin Pasture, flexibility is provided for long-term concurrent use with either the Forty-Five Pasture or the Kimball Pasture, so long as the scheduled deferment occurs for maintenance of upland vegetation and for providing sage-grouse breeding habitat. If the permittee chooses to use the Big Horse Pasture in the three-year rotation with either the Forty-Five Pasture or Kimball Pasture, the same three-year rotation identified in the table for Big Horse Pasture would be implemented. Constraints for riparian resources that apply to the Forty-Five and Kimball pastures do not apply to the Big Horse Pasture and therefore will not require a year of rest in the three-year rotation.

Notes on the Grazing Schedule

The grazing schedule applies season of use constraints referenced in term and condition #1 above. The schedule ensures that those portions of the allotment that contain sage-grouse breeding habitat will not be grazed more than 1 year of every 3 years during the sage-grouse breeding season (April 15 through June 15). In other words, if you graze Pasture 6 between April 15 and June 16 in 2015, you may not graze Pasture 6 again between April 15 and June 16 until 2018. Further, the grazing schedule ensures that no pastures will be grazed during the active growing seasons for native perennial bunchgrasses (May 1 to June 30) more than 1 year in every 3-year period, a constraint that is concurrent and in combination with sage-grouse habitat protection in the grazing schedule for all pastures. Finally, the grazing schedule ensures that pastures 2, 3, and 4 that contain reaches of Piute Creek and the associated riparian resources will not be grazed more than 1 year every 3 years during mid-summer (July 1 to September 15). Flexibility is provided within the schedule above for grazing use of each pasture to meet resource management and livestock management objectives, so long as move dates adhere to these seasons of use constraints.

Notes on the Terms and Conditions

The stocking rate for the Garat Allotment that results from the terms and conditions outlined above constrains the intensity of livestock use to 10 acres or more per AUM on any pasture. The stocking rate of 10 acres per AUM is a conservative stocking rate when considering potential forage production and availability due to ecological site potential of vegetation communities within the allotment, as limited by inventoried condition, water availability, and topography¹⁶.

Flexibility is provided within the schedule above for grazing use of pastures 3, 4, 5, and 6 after July 1, outside the active growing season for native perennial herbaceous species and outside the lekking, nesting, and early brood-rearing season for sage-grouse. Additional flexibility would be provided to allow 7 days to complete moves between pastures, as long as scheduled deferment of grazing use outside the lekking, nesting, and early brood-rearing season for sage-grouse (4/15 to 6/15) is implemented in 2 years of each 3-year period, scheduled deferment of grazing use outside the upland vegetation active growing season (May 1 to June 30) is implemented in 2 years of each 3-year cycle, and riparian mid-summer constraints are met.

Other Notes on the Final Decision

In response to requests in the August 21, 2014, application for grazing permit renewal received from Petan, it is my final decision to authorize an increase in the number of AUMs for use by saddle horses authorized to be kept on public land within the Garat Allotment for cattle management purposes, as defined in line 3 of the permit terms and conditions table above and

¹⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA section 2.4

Term and Condition number 3 following that table. My final decision is to also authorize Petan's request for billing privileges after the grazing season based on actual use.

In addition, it is my final decision to not authorize additional projects in this decision. Specifically, this final decision does not authorize the modification of the fence layout in the Piute Creek/Piute Basin area, the construction of the Kimball Division Fence improvements, or re-drilling the wells of either Middle Windmill or 45 Windmill identified in the application, nor does it authorize the construction of gravity-fed pipelines to lower-elevation portions of the Big Horse Pasture or other spring-use pastures. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects is retained for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this final decision. Implementation of this final decision is contingent upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement, and water developments are functioning as designed to provide livestock water).

Rationale

Record of Performance

Pursuant to 43 C.F.R. § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed Petan's record as a grazing permit holder for the Garat Allotment, and have determined that Petan has a satisfactory record of performance and is a qualified applicant for the purposes of a permit renewal.

Justification for the Final Decision

Based on my review of the EA, the Rangeland Health Assessment/Evaluation, Determination, other documents in the grazing files, and documentation provided by Petan, it is my decision to select Alternative 4A as my final decision. I am convinced that the combination of reduced stocking and the implementation of this deferred/rest-rotation grazing system provides the greatest certainty in making significant progress toward addressing the rangeland health issues and meeting the resource management objectives of the ORMP and Idaho S&Gs within the Garat Allotment. Implementation of Alternative 4A, compared to the other alternatives analyzed in the EA, best fulfills the BLM's obligation to establish a grazing regime during the next 10 years that will promote the desired ecological status of plant communities. This will result in improving and maintaining healthy wildlife habitat and forage for livestock and wildlife, while promoting restoration of important riparian areas associated with Piute Creek and protecting other sensitive areas identified in the analysis. My decision fulfills the Federal Land Policy and Management Act's multiple use and sustained yield mandate.

Issues Addressed

Earlier in this decision, I outlined the major issues that drove the analysis and decision-making process for the Garat Allotment. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 4A was in large part

because of my understanding that this selection best addressed those issues, given the BLM's legal and land management obligations.

Issue 1: Improve upland vegetation plant communities, and in particular reverse the shift from desirable to undesirable native plant communities.

As mentioned above and explained in detail in the EA, the Garat Allotment has upland vegetation issues, including a loss of plant vigor, shift in plant composition, and an increase in annual grasses. Alternative 4A will address these issues in a number of ways. The vegetation issues on the Garat Allotment are due less to utilization levels, which have been generally light to moderate in recent years, and more to the near-total absence of rest and continued active-growing-season use experienced by the upland plant communities.

Alternative 4A implements more frequent deferment of grazing use to periods outside the active growing season than would occur under alternatives 1 through 3. In addition, periodic rest of pastures 3 and 4 under Alternative 4A to benefit riparian resources, as compared to alternatives 4B and 4C, will also allow recovery and maintenance of upland vegetation resources. More importantly, however, this reduced frequency of growing-season use allows native perennial species to complete the annual growth cycle at a rate that will allow recovery of plant health and vigor. With the reduced frequency of grazing use during the active growing season, Alternative 4A allows for proper nutrient cycling, hydrologic cycling and energy flow. Alternative 4A also provides the opportunity for enhanced ecological function and progress toward ecological site potential and vegetation composition more consistent with reference site communities. Alternative 4A also decreases active grazing use by 47 percent compared to active use authorized in the current permit, or by 30 percent compared to average actual use over the 10-year period between 2002 and 2011¹⁷. Alternative 4A achieves its decrease in active use by reducing livestock numbers on the grazing permit. By reducing active-growing-season grazing use, AUMs, and livestock numbers, implementation of Alternative 4A will improve rangeland health and plant composition, ensure significant progress is made toward meeting Standard 4 of the Idaho S&Gs, and move the native plant communities in the Garat Allotment toward the long-term objectives laid out in the ORMP.

Alternative 4A is also expected to positively affect soil stability, productivity, and hydrologic function over the short and long term. These improvements are the collateral effect of the BLM's intention with implementation of Alternative 4A to reverse the change in plant composition and improve native plant communities. Alternative 4A implements livestock management practices that maintain or improve upland vegetation and watershed conditions consistent with Idaho Rangeland Health Guidelines 4, 8, 9, and 12.¹⁸

I have reviewed in detail the data collected by Western Range Service that Petan submitted. Although collected using different techniques, those data largely tracked the data that the BLM

¹⁷ Petan's actual use has varied with an annual actual use report through the ten-year period between 2002 and 2011 ranging from 10,719 to 18,870 AUMs. Reported actual use in 2012 was 6,856 AUMs, in 2013 was 8,985 AUMs, and in 2014 was 4,800 AUMs, which when factored into the 10-year average results in the decision implementing a 20 percent reduction in use as compared to the recent average actual use of 13,001 AUMs between 2005 and 2014.

¹⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA section 3.3.2.4 and 3.4.2.4.

collected showing a mostly static trend of native plant communities on the allotment. That is, while informative, the data Petan submitted did not paint a significantly different picture of the allotment's condition. In Petan's comments to the EA you stated that the data show the native plant communities in the Garat Allotment are in good condition and are meeting or making significant progress toward meeting the Idaho S&Gs and the ORMP objectives. My staff considered your conclusions, but ultimately we disagreed with the conclusion that native plant communities are in good condition in the allotment. In addition, we disagree that the vegetation objectives of the ORMP have been achieved.

Moreover, I am convinced that additional and sometimes substantial improvement to the native plant communities can be made by instituting changes to grazing management. In other words, even if I believed (as you do) that some minimum degree of progress was currently being made on the allotment, that would not change the fact that progress at a faster rate is achievable and more desirable, given the long-term potential benefits to native plant communities and the greater sage-grouse. While you may disagree, it is within my discretion and responsibility to strive for such improvement based on the Federal Land Policy and Management Act, the objectives described in the ORMP, and the BLM's 2010 National Sage-grouse Policy with its attendant goal to maintain and enhance sage-grouse populations in the western United States.

Issue 2: Improve riparian vegetation and stream-bank stability in the limited areas where riparian areas exist.

Limited riparian areas can be found on the Garat Allotment, and those areas occur primarily associated with Piute Creek in pastures 2, 3, and 4. The grazing schedule of Alternative 4A limits use in Pasture 2 to no later than June 30 every year, excluding use during the mid-summer riparian-area growing season. In addition, the grazing schedule of Alternative 4A limits mid-summer use of pastures 3 and 4 to no more often than 1 year in each 3-year cycle. In so doing, Alternative 4A reduces the impacts on the riparian and water resources associated with Piute Creek in pastures 2, 3, and 4, which will lead to improvement.

Riparian areas on the allotment are limited to 2.5 miles associated with Piute Creek, with many reaches that have interrupted or intermittent flow. Riparian areas are also present and associated with a few springs that have been impacted by past authorizations to construct reservoirs and other water developments. The capability of these springs to recover may be reduced. It is not clear that the riparian areas (primarily along Piute Creek) have potential to support woody vegetation or a full complement of hydric species. Additionally, even though reaches of Piute Creek may never have potential for perennial flow, the BLM determined that the allotment was not meeting the riparian-related Idaho S&Gs. The BLM determined that many of the intermittent and interrupted reaches of Piute Creek have potential to support riparian vegetation and provide functioning systems that meet a state of resiliency that will allow them to hold together during high-flow events with a high degree of reliability, and also provide for additional resource values. It remains within the agency's discretion in managing these lands to put in place terms and conditions that provide a conservative approach to riparian protection in these areas (e.g., along Piute Creek) over the next 10 years. Exclusion of livestock from reaches of Piute Creek enclosed within existing fencing of Pasture 7 and Pasture 8 under Alternative 4A will also allow recovery and maintenance of riparian values, while only minimally reducing the availability of livestock water and forage provided along the lentic reaches of Piute Creek, especially later during the grazing season.

I have reviewed the Piute Creek Classification Analysis Report provided by Western Range Service in 2004. The conclusions reached in that report were considered in relation to the comments to the preliminary EA Petan provided in November 2014. Specifically, I considered the comment that the BLM needed to judge riparian and wetlands against their capability and potential when it completed PFC assessments in 2014, including the altered potential of Piute Creek due to the presence of Piute Basin Reservoir upstream. My staff considered the conclusions reached in the 2004 report and Petan's comment regarding the BLM's failure to adequately identify the altered potential in 2014 when completing PFC assessments, but ultimately we disagreed with the conclusion that the potential is not present or has been lost for recovery of riparian function and the subsequent values and uses possible from functioning riparian systems adjacent to Piute Creek. In addition, we conclude that the potential hydric vegetation adjacent to Piute Creek is an important component that should be in working order for riparian-wetland systems to function properly.

Implementation of Alternative 4A will allow the Garat Allotment to meet or make significant progress toward meeting Standards 2 and 7 and the ORMP objective to maintain or improve riparian areas to attain proper functioning and satisfactory conditions into the future.¹⁹

Issue 3: Protect special status plants and improve the habitats supporting special status plants.

While Alternative 4A allows a grazing frequency of 1 year in each 3-years cycle within Pasture 5 during the spring period when saturated soils are vulnerable to impacts associated with livestock concentration, the reduced number of cattle grazing, combined with the 2 years of spring deferment, will lessen the potential impacts. Implementation of Alternative 4A will reduce livestock trampling impacts to soils in the playas that support Davis' peppergrass and allow significant progress to be made toward meeting Standard 8 for special status plant species.

Issue 4: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush steppe and riparian dependent species, including sage-grouse.

Wildlife habitat in upland and riparian areas would improve throughout the allotment under Alternative 4A, due to this alternative's focus on improving the health and vigor of plant communities. Improvement will be accomplished primarily by limiting the frequency of livestock grazing use during the active growing season for upland native perennial species, decreasing the stocking rate for the allotment as whole, and reducing authorized AUMs.²⁰ Further reductions in already slight to light utilization levels will result in greater forage and cover for wildlife in the short term and healthier plant communities in the long term.

¹⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.6.3.4

²⁰ Such improvement is consistent with the BLM's Interim Management Policy to "maintain and/or improve GSG and its habitat" by incorporating management practices that provide for adequate residual plant cover and diversity in the understories of sagebrush plant communities and "promote the growth and persistence of native shrubs, grasses and forbs" and balance grazing between riparian and upland habitat to promote the production and availability of beneficial forbs to GSG in 'meadows, mesic habitats, and riparian pastures while maintaining upland conditions and functions". IM 2012-043.

Sage-grouse habitat in upland and riparian areas in all pastures would improve. As stated in the EA, “A native vegetation community of healthy, productive, and diverse populations of native plants typically provides proper habitat composition, structure, and function for effective sage-grouse habitat conditions. As an indicator species for the sagebrush ecosystem, the conditions that specify healthy habitat for sage-grouse are indicative of the health of the system in general. Effective sage-grouse habitat is closely related to vegetation community conditions discussed in Standard 4 (Native Plant Communities).”²¹

Alternative 4A limits growing-season use in all pastures, and thus this alternative will result in fewer disturbances to sage-grouse breeding activities in uplands and riparian areas in comparison to alternatives 1, 2, and 3. Deferment of grazing use until after the active growing season in 2 years of each 3-year period in pastures 3, 4, 5, and 6, early spring use prior to the active growing season in pastures 1 and 2, and rest of pastures 3 and 4 in 1 year of each 3-year cycle will lead to improvements in the condition of shrub steppe vegetation community composition, structure, and overall health. The subsequent increase in cover and forage for wildlife in upland and riparian areas is expected to occur over the short term (3 to 5 years), because of the reduction in the frequency of grazing use during the active growing season. Even greater increase in cover and forage will occur over the long term as consistent progress is made toward attainment of reference-site shrub steppe vegetation.

Potential conflicts between livestock grazing and sage-grouse nesting activities have been reduced in Alternative 4A by the deferred season of use and/or early spring grazing. In 2 years of every 3 years, grazing would not occur in pastures 3, 4, 5, and 6 during the lekking and nesting season, eliminating direct effects of livestock to sage-grouse nests and eggs such as displacement from leks, trampling of eggs and nests, and the possibility of nest desertion. Spring grazing is allowed on an annual basis in pastures 1 and 2, but is scheduled to primarily occur prior to the active growing season, thus providing ample opportunity for understory grass growth during the middle and late parts of the nesting and early-brood-rearing periods.

I am implementing these seasonal grazing restrictions in part as a precaution that recognizes the extent of preliminary priority habitat (PPH) (87 percent of the acreage) and preliminary general habitat (PGH) (13 percent of the acreage) in the allotment. While it is not altogether certain that direct impact from grazing on nesting sage-grouse is a major problem on the allotment, I do expect that the potential for such conflicts will be largely avoided under my decision. Wildlife habitats are expected to recover and improve and significant progress toward meeting Standard 8 (Threatened and Endangered Plants and Animals) will occur under the final decision. Implementation of Alternative 4A, with its attendant reduction of AUMs and change in season of use, will improve sage-grouse habitat in particular, and is consistent with objectives of the BLM special status species policy and the BLM’s Interim Management IM, see IM-2010-043.

As noted above, limitations to the frequency of mid-summer grazing use of riparian resources in pastures 2, 3, and 4 under Alternative 4A will allow the limited riparian areas on the allotment to improve toward functioning condition and will provide for additional resource values. Because

²¹ Please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.1

sage-grouse use riparian areas during the brood-rearing period, the riparian improvement should further benefit sage-grouse on the allotment.

Although Alternative 5 would further reduce the potential impacts to special status species habitats with removal of livestock grazing from the allotment, proper livestock management practices that implement appropriate seasons, intensities, and duration of use have been identified as consistent with providing habitats for sagebrush-obligate and shrub-dependent special status species.

Alternative 4A implements proper livestock management by establishing seasons and the duration of grazing use in pastures that provide seasonal habitats for sage-grouse and limits the intensity of impacts to upland and riparian resources.

Finally, my selection of Alternative 4A implements livestock management practices that will maintain or improve wildlife habitats consistent with the BLM's Idaho Rangeland Guidelines for Livestock Management 4, 8, 9, and 12.²²

Issue 5: Prevent further introduction and spread of noxious and invasive annual species (e.g., cheatgrass).

Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in livestock numbers and active use inherent in Alternative 4A will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and from the allotment in fur, on hooves, and in their digestive system. As compared to alternatives 1 through 3, the risk of invasive species spreading is lower under the sub-alternatives of Alternative 4, as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternative 5 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to all alternatives that would continue to authorize grazing within the Garat Allotment, livestock remain only one of a large number of vectors for seed dispersal and soil surface disturbance. The BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.²³

Issue 6: Consider whether grazing on the Garat Allotment can be used to limit wildfire.

During the NEPA process, some asked the BLM to consider using grazing on the Garat Allotment to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on the Garat Allotment with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 4A will not significantly alter the BLM's ability to fight wildfire in the area.

²² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.2.4.

²³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.3.2.4.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedlings of grazing-tolerant introduced grasses and annual grasses. Such conditions do not exist on the Garat Allotment at a pasture-wide scale. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a landscape-scale or targeted grazing system to control fire is not viable on the Garat Allotment at this time and with existing infrastructure. The BLM's current permit renewal is focused on improving native plant communities on the Garat Allotment, and targeted grazing to create fuel breaks would not support that improvement.

Alternative 4A retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, the permit terms and conditions under Alternative 4A are designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting both the dominance of annual species and the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.²⁴

Issue 7: Limit impacts to regional socioeconomic activity generated by livestock production.

During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EA could impact regional socioeconomic activity. I share this concern, and have taken these concerns into consideration in making my decision including the new/updated information on socioeconomic conditions/effects in Owyhee County; however, my primary obligation is to ensure that the new grazing permit protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 4A in large part because that selection accomplishes those latter goals.

Consideration of alternatives 1 and 2 disclosed that neither of those alternatives would allow the allotment to meet Idaho S&Gs or the ORMP resource objectives, and therefore I could not select them, despite the lesser economic impacts that they may have. While Alternative 3 was developed to improve resource conditions toward meeting objectives and did not reduce livestock numbers or AUMs initially, that alternative would have required a level of livestock management for Petan as the permittee and grazing administration for the BLM (including intensive monitoring requirements) which would have been expensive, time-consuming, and likely unachievable. In addition, implementation of Alternative 3 could have introduced an unnecessary element of uncertainty into your efforts to coordinate with the BLM and to your livestock management operations. That uncertainty includes the coordinated understanding of the degree of flexibility available to modify livestock management practices, while remaining within terms and conditions of the grazing permit. An additional consideration of livestock management under Alternative 3 is the potential need for Petan to reduce livestock numbers and AUMs used to meet performance-based terms and conditions. Such unknown impacts could include an overall reduction in the

²⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 2.6.7.

number of cattle that graze within the Garat Allotment and the economic impacts to the region similar to or greater than those of the sub-alternatives of Alternative 4.

Hoping to ameliorate any abrupt economic impacts from implementation of Alternative 4A to Petan as a permittee, I attempted to develop a way to implement Alternative 4A that would have a less severe initial impact to your business and the local economy. Given the BLM's regulatory requirement to make significant progress under a new permit following a determination that an allotment is not meeting standards due to current livestock use, I determined that any mediated approach would have only minimal benefit and increased uncertainty for Petan, the permittee. In addition, actual use numbers reported over the 10-year period between 2002 and 2011 show that Petan has varied the number of AUMs used annually from 10,719 to 18,870. These data and Petan's 2012-reported use of 6,856 AUMs, 2013-reported use of 8,985 AUMs, and 2014-reported use of 4,800 AUMs show that Petan is operating with a high degree of flexibility. Reported actual use in the three most recent years has not exceeded the 10,350 AUMs of active use that will be authorized under the decision. Therefore, the decision to reduce authorized active use in the Garat Allotment will have little impact to the economic activity within Idaho's Owyhee County or Nevada's Elko County as compared to the contribution that has occurred over the past three years. For these reasons, I have decided to implement Alternative 4A.

Additional Rationale

Consideration of other factors contributed to my decision to make Alternative 4A the foundation of future grazing. Alternatives 1 and 2 would not have led the allotment toward meeting or making significant progress towards meeting the Idaho S&Gs, Alternative 2 also included range improvement projects as components that were outside the scope of the purpose and need of the project. In deciding between Alternatives 3 and 4, one consideration was the intensity of grazing management practices required from the permittee under each alternative and the workload necessary for the BLM to administer grazing under each alternative. In fact, this was a major consideration in my evaluation of alternatives 3 and 4.

While sub-alternatives of Alternative 4 retain appropriate flexibility to adjust livestock use through the grazing season in response to weather conditions and livestock water availability in an arid environment, they do not require the intensity of livestock management that would be necessary to manage livestock impacts to vegetation and other resource values under full implementation of Alternative 3. Under Alternative 3, both the BLM and the permittee would have to intensively monitor riparian, upland, and other resources based on use patterns, and react in response to unacceptable intensities of livestock use accordingly.

While implementation of Alternative 3 is possible, I have chosen not to implement Alternative 3 due to the lack of certainty that, over a 10-year period, the intensive monitoring and accompanying strict herd management compliance requirements are achievable for an allotment as large and remote as the Garat Allotment. This leads me to conclude that implementation of Alternative 3 would not provide the same level of certainty in attaining significant progress toward improving rangeland health and addressing resource management objectives compared with implementation of Alternative 4A.

Alternative 4A achieves similar resource ends as Alternative 3, but does so by modifying seasons of use and numbers of livestock rather than requiring yearly intensive management and adjustment. Flexibility provided under Alternative 4A retains seasons, intensities, and duration of grazing use within parameters that will allow maintenance and improvement of native perennial vegetation health and vigor, riparian, and other resource values.

The sub-alternatives under Alternative 4 differ only in the manner and degree to which riparian resources associated with Piute Creek would be allowed to recover toward functioning condition and provide for resource values associated with riparian areas. Alternative 4A will achieve those objectives, while not requiring the frequent and intensive livestock management practices, primarily herding, that would be necessary to exclude mid-summer use of riparian areas under Alternative 4B. In addition, Alternative 4A will allow all reaches of Piute Creek to recover and maintain riparian resource values, as compared to Alternative 4C that would allow continued mid-summer livestock access to a 0.3-mile reach in Pasture 4 and the continued failure to meet riparian objectives. Alternative 4C would provide limited benefit for livestock management by providing limited and poor quality water from Piute Creek for livestock use.

I did consider selecting Alternative 5 (No Grazing) for the Garat Allotment; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative 4A rather than Alternative 5, I especially considered (1) the BLM's ability to meet resource objectives using Alternative 4A, (2) the impact of implementation of Alternative 5 on Petan's operation and on regional economic activity, and (3) Petan's past performance under the previous permit. The allotment's resource issues are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing Alternative 4A, the resource issues identified will be addressed. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

Climate change is another factor I considered in building my decision around Alternative 4A. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. Alternative 4A's combined seasons, intensities, and durations of livestock use promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on the Garat Allotment will be better armed to survive such changes under Alternative 4A as compared with Alternatives 1 through 3 and other sub-alternatives of Alternative 4. The native plant health and vigor protected under Alternative 4A will provide resistance and resilience to additional stressors, including climate change.²⁵

²⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.3.2.4

My decision to increase active use authorized for saddle horses, to not exceed 106 AUMs and allow the flexibility in the number of saddle horses to not exceed 75 head authorized to be kept on public land within enclosures in the Garat Allotment at Stateline Camp and Four Corners for cattle management purposes, will provide riders increased tools for the intensity of livestock management necessary to meet the Idaho S&Gs and ORMP resource management objectives. The decision to exclude horse and cattle use from the Piute Creek and Piute Camp enclosures is because riparian resources adjacent to Piute Creek in these existing enclosures were assessed as functioning at-risk and concentration of horse or cattle use in these areas would not be conducive toward recovery to functioning condition and a condition that provides for resource values associated with functioning riparian areas.

I hereby approve Petan's request for authorization of billing after the grazing season based on actual use. This final decision provides the terms and conditions of the renewed grazing permit that meet the definition of the functional equivalent of an allotment management plan provided in the grazing regulations (43 C.F.R. § 4120.2),²⁶ for after-the-fact billing. Fees will be based upon actual grazing use and will be due upon billing issuance. Repeated delays in payment of actual use billings or noncompliance with the permit terms and conditions shall be cause to revoke provisions for after-the-grazing-season billing [43 C.F.R. § 4130.8-1(c)].

My decision to not authorize the modification of the cross-fence layout in the Piute Creek/Piute Basin area, the division fence proposed for the Kimball Pasture (Pasture 4), the re-drilling of wells at Middle Windmill and 45 Windmill, or the construction of gravity fed pipelines to lower elevation portions of the Big Horse Pasture or other spring use pastures in this final decision, is because the purpose and need for permit renewal did not include the addition of new infrastructure. Renewal of Petan's grazing permit with terms and conditions of the permit as identified above is not dependent on these projects. Maintenance of wells at Middle Windmill and 45 Windmill, consistent with the original design and within the original footprint of the projects, remains your responsibility, as identified in cooperative agreements for those projects. Retention of the existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of additional livestock water sources and other range projects outside the grazing permit renewal process provides for the appropriate analysis, authorization, and implementation of projects while not encumbering the permit renewal process. The BLM will continue to consider applications for range improvement projects that are consistent with meeting resource management objectives, but outside the current permit renewal process.

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on March 3, 2015, and concluded that the decision to implement Alternative 4A is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the

²⁶ An allotment management plan is a documented program developed as an activity plan consistent with the definition at 43 U.S.C. 1702(k), that focuses on, and contains the necessary instructions for, the management of livestock grazing on specified public lands to meet resource conditions, sustained yield, multiple use, economic and other objectives (43 C.F.R. § 4100.0-5).

general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 C.F.R. § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA No. DOI-BLM-ID-B030-2014-0015-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal.html

Conclusion

In conclusion, it is my decision to select Alternative 4A over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs in locations where standards were not met due to current livestock management practices. Alternatives 1 and 2 fail to implement livestock management practices that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet or make significant progress toward meeting Standard 4 (Native Plant Communities) in Pasture 4 and Standard 2 (Riparian Areas and Wetlands) in pastures 2, 3, and 4. Both alternatives also fail to implement actions that would meet or make significant process toward meeting Standard 8 (Threatened and Endangered Plants and Animals) for Davis' peppergrass in Pasture 5 and for sage-grouse habitats in pastures 3 and 4.

Full implementation of Alternative 3 would require intensive livestock management to ensure compliance with performance-based terms and assumes an uncertainty whether, over a 10-year period, the intensive monitoring and accompanying strict herd management compliance requirements are achievable for an allotment as large and remote as the Garat Allotment. The potential benefits under Alternative 3 are equally achieved under Alternative 4A. Alternative 4B would require uncertain implementation of livestock exclusion from riparian areas in two years of each three-year grazing cycle, while Alternative 4C would fail to protect riparian resources along a 0.3 mile reach of Piute Creek in Pasture 4. Alternative 5 removes the economic activity of one large livestock operation from Idaho's Owyhee County and Nevada's Elko County, a region where livestock production and agriculture are a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of Alternative 4A lead me to believe elimination of livestock grazing from the Garat Allotment is unnecessary at this point.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (C.F.R.) Subpart 4100 Grazing Administration - Exclusive of Alaska. My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; The ORMP designates the Garat Allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;

- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This final decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Appeal

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing for the purpose of a hearing before an administrative law judge in accordance with 43 C.F.R. §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 C.F.R. § 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

Michelle G. Ryerson
Acting Owyhee Field Office Manager
20 First Avenue West
Marsing, Idaho 83639

In accordance with 43 C.F.R. § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal or the appeal and petition for stay with the BLM authorized officer named above, the appellant must also serve copies on other persons named in the "Copies sent to" section of this decision in accordance with 43 C.F.R. § 4.421 and on the Office of the Field Solicitor located at the address below in accordance with 43 C.F.R. §§ 4.470(a) and 4.471(b).

Boise Field Solicitors Office
University Plaza
960 Broadway Ave., Suite 400
Boise Idaho, 83706

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 C.F.R. § 4.470.

Should you wish to file a petition for a stay, see 43 C.F.R. § 4.471 (a) and (b). In accordance with 43 C.F.R. § 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,

- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 C.F.R. § 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 C.F.R. § 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at (208) 896-5913.

Sincerely,



Michelle G. Ryerson
Acting Field Manager
Owyhee Field Office

Attachment:

Protest Responses – Garat Allotment

CC: See attached mailing list.

Protest Responses - Garat Allotment

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	1	<p>BLM's Finding of No Significant Impact is unfounded. Given the scope of the Proposed Decision (202,618 acres of public land, 8,836 acres of state land, and 207 acres of private land) and the significant impact that domestic livestock have on the human environment, the Proposed Decision constitutes a significant federal action affecting the human environment requiring an Environmental Impact Statement. Livestock grazing and its administration continues to be among the largest contributors to diminishing and degrading significant values found on public lands including riparian health, upland health, wildlife habitat, wildlife populations, wildlife watching, carbon sequestration, water quality, water quantity, fisheries, general ecological health, and much more</p>	<p>The FONSI signed for the decision to renew the permit to graze livestock in the Garat Allotment considered the context and intensity of impacts to the human environment, as stated in that document. In so doing, it briefly presenting the reasons why the action will not have a significant effect on the human environment and for which an environmental impact statement was not prepared. The landscape-scale impacts to resource values and uses resulting from livestock grazing identified in the protest point were analyzed in the Proposed Owyhee Resource Management Plan and Final Environmental Impact Statement completed in 1999. The Owyhee Resource Management Plan (ORMP) allocated grazing within the Garat Allotment. The extent of public land acreage of the Garat Allotment in and of itself is not rationale supporting a conclusion that an EIS is required. The decision to renew the permit to graze livestock within the Garat Allotment is in conformance with the ORMP.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	2	<p>The BLM failed to adequately examine all direct, indirect and cumulative impacts of such an action on soils, microbiotic crusts, native vegetation communities, risks of invasive species proliferation and altered fire cycles, important and sensitive species habitats and populations, cultural values, public recreational use, and other important values of the public lands. Essential baseline inventories and analysis of all sensitive species must occur.</p>	<p>Please refer to the affected environment sections and analysis for various resources in the Garat Allotment Livestock Grazing Permit Renewal Final Environmental Assessment (DOI-BLM-ID-B030-2014-0015-EA) where the alleged NEPA inadequacies are fully addressed.</p>
WWP020152015	3	<p>BLM has placed some national emphasis on eliminating suspended AUMs in permit renewal. Thus, BLM here should exercise its discretion to eliminate the 10,896 AUMs that were suspended under the previous permit, and which BLM has proposed to carry over and continue as suspended in the new permit.</p>	<p>BLM maintained existing suspension AUMs under the decision in accordance with 43 C.F.R. § 4110.3-2, as stated in section 2.7.2 of the EA.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	4	<p>The previous Final Decision implemented AUM cuts with performance based use standards, and therefore found those standards necessary to make significant progress toward meeting S&G and ORMP resource provisions. The Proposed Decision lacks riparian measurable use standards required by ORMP (stubble height; bank alteration; percentage utilization of woody browse) while the previous Final Decision contained these riparian utilization standards AND Given that Piute Creek and other limited riparian areas have been found not to meet Rangeland Health Standards and are not in PFC, there should be riparian standards.</p> <p>There are none. It is arbitrary that BLM now says these standards are not required or needed, when before it said they were.</p>	<p>Alternative 4 of the Garat Allotment Livestock Grazing Permit Renewal Final Environmental Assessment (DOI-BLM-ID-B030-2014-0015-EA) includes the constraint to grazing use of no more than 1 year in each 3 years during mid-summer (July 1 to September 15) in pastures containing managed reaches of Piute Creek. This constraint, with reductions in the number of livestock and AUM of active use authorized, was found in the analysis of the alternative to be adequate terms and conditions of the permit that will meet the ORMP limits to intensity of grazing use in riparian areas.</p>
WWP020152015	5	<p>50% upland utilization is too high based on what Braun "A Blueprint for Sage-grouse Conservation and Recovery" (2006)1 and Technical Bulletin 91-2 (Anderson 1991)2 recommend.</p>	<p>The maximum allowable utilization established in the ORMP for upland vegetation communities is 50 percent. Although this maximum allowable utilization limit is carried forward into the terms and conditions of the permit that will be authorized, the anticipated level of utilization under the selected Alternative 4A of the EA will result in actual utilization levels that are less than the current situation, as presented in the analysis of the alternative (EA page 87). The current situation utilization levels have been less than the 50 percent maximum (EA Appendix B, Table B-2). Lighter</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	6	Page 35 of EA - The EA and Proposed Decision incorrectly define sage-grouse breeding season as April 15 to June 15 in calculating seasonal use restrictions. According to the Idaho Sage-grouse Plan, the sage-grouse breeding season is March 15 to June 20. See WWP v. Dyer and other cases citing Idaho sage-grouse plan. Elsewhere in Owyhee Groups 2-5, BLM uses different time period (April 1 to June 30) for avoidance. The difference in dates is arbitrary.	Please see footnote #33 on page 35 of the EA for a definition of the breeding season used in this permit renewal effort. Breeding season in this instance refers primarily to the peak of the nesting season for sage-grouse as this is the season when current livestock grazing has the most potential to affect sage-grouse reproductive efforts. This period is expected to capture the vast majority of nesting activities by sage-grouse hens and also includes some lekking and early-brood-rearing activities.

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	7	<p>The proposed decision contains no standard to ensure sufficient residual herbaceous vegetation cover to protect sage-grouse security needs. Multiple studies have found that at least seven inches of herbaceous vegetation is necessary to provide sage-grouse with sufficient cover to nest successfully. The final decision must include a standard requiring that operators leave upland vegetation at least seven inches tall after grazing.</p>	<p>The protest point is correct to recognize that one alternative method to ensure that sage-grouse habitat needs are met is to establish performance standards based on intensities of grazing use, such as a 7 inch or greater residual height of perennial grasses and forbs during the lekking and nesting seasons or a 4 inch or greater residual height of perennial grasses and forbs at other times of the year. These are the performance standards that were considered and analyzed under Alternative 3 of the Garat Allotment Livestock Grazing Permit Renewal Final Environmental Assessment (DOL:BLM-ID-B030-2014-0015-EA). As stated in the proposed decision, habitat requirements for sage-grouse will be met with the decision (EA Alternative 4A), while not requiring the intensive livestock management to ensure compliance with performance-based terms under Alternative 3. The proposed decision assumes an uncertainty whether, over a 10-year period, the intensive monitoring and accompanying strict herd management compliance requirements under Alternative 3 are achievable for an allotment as large and remote as the Garat allotment.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	8	<p>Special Status Species - Garat Allotment while Map WDLF 4 shows occurrence in Pastures 1, 2, and 3. The Proposed Decision contains no Columbia spotted frog seasonal use restriction/avoidance despite their presence. According to BLM, grazing between May 1 and June 15 harms Columbia spotted frogs through direct impacts to eggs and larvae</p>	<p>The WDLF-4 map polygon for spotted frog habitat defines the watersheds where spotted frogs are present. The polygon in the northwest portion of the Garat Allotment is the result of spotted frog presence in portions of the watershed outside the boundaries of the allotment. Consistent with the statement on page 147 of the EA, due to the lack of perennial streams and water sources within the Garat allotment, habitat for many aquatic species (including spotted frogs) is absent. In addition, although no constraints specific to Columbia spotted frog were included under Alternative 4A of the EA (the proposed decision), riparian constraints that will limit livestock use to no more than one year in each three-year cycle of the grazing schedule will limit direct impacts to spotted frog eggs and larvae in most years. In addition, reduced cattle numbers and AUMs authorized will also limit the intensity of grazing use in riparian areas and the physical impacts of cattle presence.</p>
	9	<p>The Proposed Decision improperly allows grazing during the critical spring breeding/nesting season for many shrub-obligate and -dependent species such as greater sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, sage sparrows, and Wyoming ground squirrels.</p>	<p>The protest point is correct to the extent that the proposed decision allows grazing use in sagebrush-steppe habitats one year in each three-year cycle of the grazing schedule. Analysis of Alternative 4A (the alternative selected as the decision) at pages 171-176 of the EA identify that progress would be made toward meeting Standard 8 and ORMP wildlife. Special status species objectives are expected to be met by implementation of Alternatives 4A.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWPP020152015	10	<p>Allowing grazing beginning March 1 every year in Pastures 1 and 2, ensures that trailing occurs through other pastures prior to grazing in P 1 and 2; this promotes twice-over grazing use. Cows must be trailed all the way to P 1 and 2, then they graze back toward the south. This twice over grazing occurs during critical periods for many shrub-obligate and dependent species such as greater sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, sage sparrows, and Wyoming ground squirrels.</p>	<p>Please see Appendix H - Rangeland Ecology / Seasons and Intensities of Grazing Use. This appendix identifies the interaction of seasons, intensities, duration and frequency of grazing use. Because Petan does not trail through Idaho BLM lands to reach the Garat Allotment, no trailing is authorized. The annual initial date of authorized use of the Garat Allotment is March 15, unchanged in the decision. Although cattle are trailed through other pastures to reach early-use pastures during the early portions of the growing season that will result in some grazing use prior to the active growing season (May-June), that use will be of short duration and at a slight to light utilization. In addition, grazing use associated with March trailing of cattle to pastures 1 and 2 will be localized in the vicinity of the routes used to move cattle to the first scheduled pasture of use for the grazing season. As a result light of intensity and short duration of possible grazing while trailing, characterization of grazing use associated with active trailing of livestock early in the grazing season as a period of use in what is considered a twice-over schedule is not reasonable.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	11	Projects - Re-drilling of two wells (PD at 11 and PD at 25), Middle Windmill and 45 Windmill, should not be considered maintenance. These wells have been non-functional for decades and additional analysis within this process should be conducted.	<p>The decision does not authorize the re-drilling of two wells in Pasture 5 of the Garat Allotment. Both wells were authorized in 1970 and constructed shortly after authorization. Petan Company of Nevada, Inc. (Petan) was assigned the maintenance responsibility for the projects as they were originally designed and within their original footprint. The EA in section 2.7.1 addressed maintenance of existing projects in the allotment. Because maintenance was assigned to the permittee prior to initiation of this permit renewal project, the EA discussion regarding existing projects concluded with a statement that maintenance of existing projects is assumed and would occur in accordance with terms of existing range improvement permits and cooperative agreements. As a result, maintenance of existing projects is outside the scope of this NEPA document and the decision to renew the ten-year grazing permit.</p>
WWP020152015	12	There is inconsistency within the proposed decision regarding billing.	<p>The protest point is correct in identifying the inconsistency in the proposed decision regarding the BLM response to the permittee's request for authorization of billing after the grazing season. The final decision was reviewed to ensure that the BLM decision to authorize billing at the end of the grazing season is consistently stated throughout the decision.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WWP020152015	13	<p>Cumulative Impacts - Table VLG-5 improperly claims that there are no reasonably foreseeable Vegetation Treatments (Prescribed Fire and Mechanical) within the Garat allotment CIAA. A scoping notice was sent out and a notice was published in the Federal Register about a large proposed vegetation treatment project in both the Owyhee and Bruneau Field Offices. In addition, proposed vegetation treatment projects have been announced in the Vale and Winnemucca Districts.</p>	<p>The protest point is correct that the BLM is currently in the scoping phase of potential vegetation treatments within the Boise BLM District and also within the tri-state area including Nevada and Oregon. A project in the scoping phase and lacking definition of the area to be treated or the treatment that may be applied once a decision is issued does not constitute a reasonably foreseeable action that merits consideration in a cumulative impacts analysis. In the absence of any locatable of quantifiable impacts from these undefined projects, the consequences of considering the additional impacts of the decision to renew the permit for grazing in the Garat Allotment in the cumulative impacts analysis for various resources is not possible.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	14	<p>We protest that the 2015 Proposed Garat Decision did not analyze the utilization of range improvements (whether removal, modification, and/or new range improvements) as an alternative to resolve purported resource issues upon the public lands within the Garat Allotment, but rather decided to arbitrarily narrow the Purpose and Need to renew the Garat permit "with the existing infrastructure."</p>	<p>When the BLM needs to take an action that may affect the environment, it starts by defining the purpose and need for action. According to regulations outlined by the Council for Environmental Quality, the purpose and need must "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." The purpose and need for action focuses the agency's efforts on a particular task, and therefore it determines the scope and focus of the project, as well as the sideboards of the alternatives analysis. Once an agency outlines the purpose and need, it need only consider alternatives that would meet the purpose and need. When formulating the purpose and need for action for the Garat Allotment EA, the BLM considered a number of factors. On the one hand, it considered the requests of the permittee to implement new range improvements and the fact that range improvements are one tool available to the BLM to manage rangelands. On the other hand, the BLM considered that many range improvements had already been implemented on the Garat allotment, and that the plain language of the 1999 Owyhee RMP counsels against new range improvements whenever possible. The BLM also considered that much of the Garat allotment overlapped with important sage-grouse habitat. This was important because the ongoing sage-grouse RMP Amendment process for Idaho and Southwest Montana is considering RMP amendments that would significantly restrict and/or preclude new infrastructure to protect sage-grouse. The ongoing sage-grouse RMP Amendment process was a critical</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
			<p>consideration, because the BLM recognized that a decision to implement new range improvements on the Garat allotment would likely undermine alternatives considered by the BLM Idaho State Director and Department of the Interior as part of the national RMP amendment process. The BLM did not want to take implementation action that undercut important ongoing sage-grouse conservation objectives. In addition, the BLM considered other factors identified in section 2.6.3 of the preliminary EA when formulating the purpose and need for action for the Garat Allotment EA. Based on those factors, the BLM decided to narrow the purpose and need of the permit renewal process to preclude consideration of new infrastructure and range improvements. The proposed decision continues to recognize the number of existing projects within the Garat Allotment that would be maintained to implement grazing management practices under the renewed permit.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	1.5	Wilderness - We protest that the 2015 Proposed Garat Decision elected not to address authorization of motorized access and mechanized equipment within those portions of the Owyhee River Wilderness which are located within the Garat Allotment, but rather decided to postpone addressing such authorization through some undefined future process.	<p>The 2015 Proposed Garat Decision addressed the allocation of authorized AUMs and season(s) of use. The subject decision included authorization for the continued use and maintenance of the allotment's existing range improvements (i.e., fences, springs, reservoirs, etc.), regardless of their location within or outside of the Owyhee River Wilderness. Range improvements within the Owyhee River Wilderness Area, existing on the date of designation, are recognized as a component of authorized grazing use with access to those projects provided as described in the Wilderness Act and OPLMA. The use of motorized or mechanized vehicles and equipment (including both historic and proposed) to exercise that access has been analyzed in the EA. In addition the BLM will address wilderness access (and issue a decision) following completion of a Minimum Requirements Analysis, tiered to the forthcoming Owyhee Canyonlands Wilderness and Wild and Scenic River Management Plan. This analysis will determine the minimum tool necessary, including the potential use of motorized/mechanized equipment, to successfully accomplish the request by Petan to maintain projects (and deliver salt), while minimizing impacts to wilderness character.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	16	We protest the 2015 Proposed Garat Decision findings and conclusions that the Garat Allotment is not meeting certain Owyhee Resource Management Plan ("ORMP") management direction or certain Idaho Rangeland Health Standards and Guidelines ("Idaho Standards").	Please see the findings, conclusions and determinations in the 2014 Garat RHA Evaluation Report and the 2014 Garat RHA Determination. These documents provide the rationale for the findings, conclusions, and determinations relative to meeting the Idaho S&Gs and the ORMP objectives.
PetanCo02052015	17	Prelim EA Comments - We protest that the 2015 Proposed Garat Decision did not take a hard look at Petan's Comments (or the comments of others) and consider and respond to them in a substantive manner, but rather relegated almost all of its comment responses to relatively short, generalized replies in the appendix to the FEA.	The BLM provided responses to comments received from the permittee and the interested public upon their review of the preliminary EA. Those responses were attached to the proposed decision issued January 16, 2014. Comments received were used to complete the EA and provided additional information used to select the actions in the proposed decision.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	18	We protest that the 2015 Proposed Decision failed to fully consider and analyze the "current grazing practices" and "current conditions", particularly; Petan's Comments; Petan's Application; and, all of Petan's monitoring, analysis, and recommendations previously submitted.	Current grazing practices were identified in the background section of the EA as well as within a number of appendices to the EA (e.g. recent actual use and utilization data summaries in Appendix B). In addition, the BLM fully considered Petan's application with both its Option I and Option II proposals for renewal of the grazing permit. While Option II was not analyzed in detail as discussed in section 2.6.2 of the EA, Option I was analyzed as Alternative 2 in the EA. Proposed projects were not analyzed because they did not meet the purpose and need as stated in the response to protest point Petan-14. Monitoring data and information provided by Petan were considered through the permit renewal process as noted in the 2014 RHA Evaluation Report, the 2014 Garat RHA Determination, the EA, and the decision.
PetanCo02052015	19	We protest that the 2015 Proposed Decision failed to consider a reasonable range of alternatives, particularly alternatives to analyze in detail all of the management practices described in Options I and II of Petan's Application.	The BLM considered and analyzed a range of alternatives from no grazing in Alternative 5 to increasing the number of active use AUMs authorized under the permittee's proposal (Option D) in Alternative 2. Alternatives 1, 3, and 4 considered and analyzed intermediate levels of grazing use that would be authorized. In addition, a number of alternatives were considered but not analyzed in detail as discussed in section 2.6 of the EA. Please also refer to the response to protest point Petan-18.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	20	Grazing Regulation [4110.3-2(b)] - We protest the reduction of our active use down to 10,350 AUMs, and protest the reduction of our permitted use from 33,646 AUMs down to 21,246 AUMs. We protest the decision not to transfer any reduced use to suspension	The BLM did not add the number of reduced active use AUMs to existing suspension AUMs, but maintained existing suspension AUMs under the decision in accordance with 43 C.F.R. § 4110.3-2, as stated in section 2.7.2 of the EA. When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of 43 C.F.R. § 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.
PetanCo02052015	21	Proposed Decision Tracking - We protest the apparent reference to a footnote "I" in the Grazing Period, %PL, and AUMs columns because it appears that the referenced Table 3 footnote does not exist in the Proposed Decision	The "footnote #1" in Table-3 of the proposed decision was carried over from the EA Alternative 4, but did not include the EA note following the table pertaining to a change in percent public land calculation resulting from the Owyhee River Management Plan removal of the Owyhee River Canyon from within the boundaries of grazing allotments. A change to Table-3 in the final decision was made to include the percent public land note from the EA. The note identifier was also changed from "1" to "a" so as to not lead to a misunderstanding that it could refer to footnote 1 on page 2 of the decision.
PetanCo02052015	22	We protest the %PL in lines 1 and 2, which should be 94%, not 96% ;	Please refer to the rationale for the change in percent public land calculation identified in protest point Petan-21, the EA, and as discussed with the permittee during a meeting in late-2011.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	23	Proposed Decision Tracking - We protest term & condition 1 because it refers to the January 16, 2015 decision as a "final" decision.	As noted in the Right of Protest and/or Appeal section of the proposed decision beginning on page 27, in the absence of any protests, the proposed decision would become the final decision. In that event, the final decision would have been dated January 16, 2015. Because protests of the proposed decision were received, the date listed in term and condition 1 is no longer applicable.
PetanCo02052015	24	Proposed Decision Tracking - We protest term & condition 1 because its flexibility provisions and season of use constraints are self-contradictory	Term and condition #1 implements the grazing schedule identified in the decision based on the constraints used to develop Alternative 4. Flexibility is provided to deviate from the pasture move-dates listed in the table while still meeting the constraints. Flexibility within these constraints is not self-contradictory, but does provide for opportunity to respond to differing conditions on an annual basis, differing conditions that cannot be predicted in a rigid grazing schedule.
PetanCo02052015	25	Proposed Decision Tracking -We protest term & condition 3 to the extent that it limits saddle horse numbers to an average of 15 for a total of 106 AUMs, rather than an average of 25 horses for a total of 177 AUMs, and limits the number of saddle horses that may be kept at the two camps season long to "approximately 10" rather than 15	The proposed decision increased the number of AUMs authorized for saddle horse use and defined an average number of saddle horses, with a maximum numbers that may be allowed under the permit at times when cattle are moved in accordance with terms and conditions. The number of AUMs and horse numbers requested in the application for renewal of the grazing permit was in excess of the number that could be supported for the duration of the grazing season in the enclosures at Stateline and 4-Corners. Please see pages 87-88 of the EA for the analysis of the seasons and intensities of grazing use by saddle horses in the Garat Allotment under Alternative 4.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	26	Proposed Decision Tracking -We protest term & condition 4, since the "Boise District" range-readiness criteria have changed over time, and term & condition 4 fails to identify which version of the "Boise District" range-readiness criteria is being referenced.	The term and condition number 4, requiring range-readiness criteria be met each year prior to turnout applies to the current version implemented through CCC with the permittee and interested public. The current version is presented in Appendix J of the EA.
PetanCo02052015	27	Proposed Decision Tracking -We protest term & condition 7 to the extent that its requirement to "notify any/all affected permittee or landowners in advance of crossing" is irrelevant because Petan does not cross any grazing allotments permitted to others or cross any deeded lands owned by others to get to or to leave the Garat Allotment	The term and condition that requires permittees to work cooperatively with private land owners when trailering to and from public land grazing allotments is included in permits issued by the Owyhee Field Office. To the degree that it is applicable to each authorization, the term and condition is a reminder that the permit does not authorize trailering use across any private land.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	28	We protest term & condition 8 since there are not any "exclosures" in the Garat Allotment. The Piute Camp Enclosure (Pasture 7) specifically referenced in term & condition 8 was authorized by the BLM in 1961 by Range Improvement Permit #383 under the title Piute Basin Buckaroo Camp	<p>The proposed decision to exclude livestock from Pasture 7-Piute Camp Enclosure and Pasture 8-Piute Creek Enclosure is to protect riparian resources adjacent to Piute Creek in these small enclosures, as identified in the decision and in the riparian resources analysis section of the EA. The range Improvement permit for project #383 (RIPS #300383) authorized the reconstruction of one bunkhouse, the construction of a second bunkhouse, and the development of a well. The purpose of the project stated in the protest point is consistent with the purpose stated in the range improvement permit, "To furnish quarters for riders and other personnel to facilitate livestock distribution and improving good range management, and making possible more uniform range utilization." The range improvement permit for project #383 does not pertain to the fences enclosing either Pasture 7 or Pasture 8. The 1989 Management Agreement on page 1 includes within the objective, "To provide a wrangle corral at 4-Corners." Through the remainder of the agreement, references to a wrangle corral are not specific to any other corral. Any corral at Piute Basin Camp is not mentioned in the 1989 Cooperative Agreement. Although there is a "corral" labeled on the USGS topographic map in close proximity to Piute Basin Camp, this polygon is not Pasture 7 that encloses the two bunkhouses or Pasture 8 that encloses an adjacent and upstream portion of Piute Creek. The label on the topographic map delineates a separate polygon located on the north side of the division fence between Pasture 2-Dry Lake and Pasture 7. The</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
			likely corral at Piute Basin Camp referenced in the protest point, though delineated on the USGS topographic map, is no longer present on the ground. No fence currently encloses the area that at one time was likely the "horse corral" referenced in the protest point. The USGS topographic map corral polygon was partially delineated in maps included in the 2013 Group 1 Environmental Assessment. Because the fencing boundary of the USGS topographic map corral polygon no longer is present, the polygon was removed from maps included in the Garat Allotment Livestock Grazing Permit Renewal Environmental Assessment.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	29	<p>Standard term and condition -we protest and reject that utilization should in-and-of-itself be a term & condition, unless such term is predicated upon a "decision-tree" as prescribed by USDI-ID-Idaho Instruction Memorandum No. ID-2005-074 dated June 2, 2005.</p>	<p>The subject of IM-ID-2005-074 is the implementation of the University of Idaho's Stubble Height Review Team Recommendations and pertains to the appropriate actions following riparian stubble height measurements. The IM does not pertain to upland utilization measurement. The ORMP, under management objective LVST-1, identifies a management action to limit upland forage utilization by livestock on key species to 50 percent. Although terms and conditions of the permit defining the grazing schedule, the number of livestock, and the number of active use AUMs will limit upland utilization levels to appropriate levels, the 50 percent maximum allowable utilization limit is carried forward into a term and condition of the permit.</p>
PetanCo02052015	30	<p>We protest term & condition 14. Term & condition 14 is not specific as to which private and leased lands it intends to require Petan to provide access across</p>	<p>Term and condition number 14 requires permittees to provide administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands. This term and condition is included in grazing permits issued by the Owyhee Field Office. The term and condition is consistent with 43 C.F.R. § 4130.3-2.</p>
PetanCo02052015	31	<p>Proposed Decision consistency - We don't protest term & condition 15. However, the Proposed Decision is ambiguous as to whether grazing use will be billed after the fact.</p>	<p>The decision to authorize billing for grazing use at the end of the grazing season based on actual use reported by the permittee was made consistent in the final decision.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	32	We protest the grazing schedule outlined in Table 5 of the Proposed Decision because it is based upon implementation of the season of use constraints established by the 2015 Proposed Garat Decision which we protest as invalid, irrational, and/or unlawful.	The rationale for developing Alternative 4 using constraints limiting the season, duration, and frequency of grazing use for a number of public land resources is provided in the EA at pages 34-36. Analysis of the benefit provided by these constraints to improve and maintain these resource values is provided by resource in chapter 3 of the EA. Rationale for selecting Alternative 4A is provided in the rationale section of the decision.
PetanCo02052015	33	We protest the suggestion in footnote "1" to Table 5 that livestock movement into the Owyhee River Canyon has been an issue under our grazing management within the recent past.	The footnote states, "Dry Lake and Piute Creek will be managed as one unit as a result of a lack of a barrier to livestock movement between the pastures. Grazing use of these pastures in any year after July, 1, is not scheduled due to limited water available to support livestock use and increasing risk of livestock moving into the Owyhee River Canyon." The footnote only recognizes the increased risk of livestock movement into the Owyhee River Canyon, an area outside the boundary of the Garat Allotment, as the summer progresses. The schedule does not require that livestock are grazed in these pastures after July 1, thus the schedule does not increase risk of livestock moving into the canyon.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	34	<p>We protest the season of use constraints established by the 2015 Proposed Garat Decision which are summarized under the Notes on the Grazing Schedule in the Proposed Decision. The native perennial bunchgrass constraint is invalid because it is significantly more restrictive than recommendations from the sources the BLM cited as the best available science in support of this constraint. The Piute Creek riparian resources and sage-grouse constraints are invalid because the 2015 Proposed Garat Decision fails to provide a rational basis for either of these constraints, because the constraints fail to conform to applicable land use plan objectives and management actions, and because the constraints have no nexus with other resource conservation recommendations.</p>	<p>Please see the response to protest point Petan-32. The constraints are consistent with objectives, management actions, and allocations of the ORMP for each of the identified public land resources. In addition, the constraints are consistent with the guidelines of the Idaho S&Gs.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	35	We protest the Notes on the Terms & Conditions of the Proposed Decision which speaks about the carrying capacity of the Garat Allotment for domestic livestock in general terms based upon what the BLM considers a conservative stocking rate, rather than calculating appropriate carrying capacities and stocking rates for the Garat Allotment, and its individual pastures, based upon available resource trends, utilization levels, and actual use levels monitored over time.	Stocking rates for pastures of the Garat Allotment were defined under Alternative 4 at page 36 of the EA. Analysis of impacts to public land resource values under Alternative 4A are presented in chapter 3 of the EA. Alternative 4A was selected as the decision based on the rationale provided in the decision.
PetanCo02052015	36	Project Maintenance, Wilderness - We protest the second paragraph related to the statement that our obligations to maintain current range improvements are "unchanged" by this proposed decision" because the Proposed Decision results in de facto changes to our maintenance obligations within the Owyhee River Wilderness via its refusal to address through this permit renewal process authorization of motorized access and mechanized equipment within the Wilderness areas.	Please see the response to protest point Petan-15.

Protest ID	Protest Point No.	Protest Text	Protest Response
PetanCo02052015	37	<p>protest the conclusion that vegetation issues on the Garat allotment are due "more to the near-total absence of rest and continued active-growing-season use experienced by the upland plant communities" because such conclusion is unsupported by the monitoring that has been conducted within the Garat Allotment.</p>	<p>The statement that vegetation issues on the Garat allotment are due more to the near-total absence of rest and continued active-growing-season use experienced by the upland plant communities is based on recent summarized utilization monitoring and actual use data for the allotment provided in Appendix B of the EA. Although the 1989 Management Agreement scheduled one year of rest from grazing during each three years of the grazing schedule, recent rest has not been implemented as scheduled. Guideline 4 of the Idaho S&Gs states, "Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate vegetative cover appropriate to site potential." Please see the response to protest point WWP-1.</p>
PetanCo02052015	38	<p>It is disingenuous for the BLM to conclude that the significant reduction in livestock numbers and changes to management practices and grazing schedules imposed by the Proposed Decision would result in significant improvement to the natural resources associated with the Garat Allotment, but would not constitute a major federal action that will have a significant effect on the quality of the human environment.</p>	

Protest ID	Protest Point No.	Protest Text	Protest Response
WildLndsDef02052015	39	<p>Hard look - BLM's failure to take a hard look at, and fully assess, the many adverse impacts of grazing of livestock, livestock facilities, management activities including rancher motorized use and supplement feeding in Wilderness and LWC, and all other adverse direct, indirect and cumulative effects associated with the livestock grazing footprint. The full scope of Garat grazing degradation, impairment, disturbance and destruction of Wilderness values in this allotment and the surrounding landscape, as well as the Relevant and Important values of the Owyhee Bighorn ACEC, must be openly and honestly assessed. An EIS must be prepared to take a full and hard look at this issue alone.</p>	<p>The protest submission received from Ms. Fite includes numerous comments regarding the EA alternatives and analysis, including alternatives not selected as the proposed decision. These NEPA inadequacy comments (protest points) suggest a lack of baseline data, an inadequate range of alternatives analyzed, and an inadequate analysis of consequences to a full array of resource values and uses. Most, if not all of the comments included in the protest submission received, were also received from Ms. Fite upon release of the preliminary EA and were addressed in the responses to comments attached to the proposed decision. Responses to these comments regarding NEPA adequacy are not restated here, but one is referred to the responses provided to comments received on the preliminary EA and also to the EA sections regarding the specific resource. The numerous NEPA-inadequacy comments (not protest points) scattered throughout the protest submission and e-mails received from Wildlands Defense were not individually identified during the BLM's content analysis of protest points. Throughout the protest submission, summary statements at the end of a number of sections state, "We Protest this." These statements follow extended general discussions regarding the BLM and its grazing program, with little or no reference to the proposed decision issued. To the extent these comments are protest points, responses to comments to the EA are carried forward as protest responses. Comments received from Ms. Fite regarding the adequacy of the EA with responses were attached as Appendix L to the completed EA that was released to the public when the proposed</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
			decision was issued on January 16, 2015.

Protest ID	Protest Point No.	Protest Text	Protest Response
WildLandsDef02052015	40	<p>BLM should never have entertained a greatly expanded battery of projects as viable alternative, or even considered maintaining the large number of harmful existing projects. <i>The protest submission received from Wildlands Defense includes a number of intertwined comments regarding the permittee's request that two wells in the allotment be re-drilled, but the concern was more succinctly stated in one email submission from Ms. Fite during the protest period when she stated: Wildlands</i></p> <p>Defense is deeply concerned about the confusing 2015 Garat FEA and Proposed Decision statements regarding the two long-defunct and crumbling wells the Petan permittee proposes to re-drill in Garat. BLM in the 2015 Final EA claims it is analyzing the wells in part. But then it does not do this in any meaningful way. The alarming Proposed Decision, however, concludes that re-drilling the wells is pretty much akin to routine maintenance. The 2015 PD makes confusing reference to the wells and other project revamping being done outside this process - with no commitment at all to future NEPA or compliance with a host of RMP and other requirements.</p>	<p>The decision does not authorize the re-drilling of two wells in Pasture 5 of the Garat Allotment. Both wells were authorized in 1970 and constructed shortly after authorization. Petan was assigned the maintenance responsibility for the projects as they were originally designed and within their original footprint. File also provided numerous disjoined comments throughout the protest submission received from Wildlands Defense regarding the impacts of existing projects. The EA in section 2.7.1 addressed maintenance of existing projects in the allotment. Because maintenance was assigned to the permittee prior to initiation of this permit renewal project, the EA discussion regarding existing projects concluded with a statement that maintenance of existing projects is assumed and would occur in accordance with existing range improvement permits and cooperative agreements. As a result, maintenance of existing projects is outside the scope of this NEPA document and the decision made. Concern expressed through the remainder of Ms. Fite's multiple submissions that the BLM will authorize the permittee to complete project work at the sites of the two wells and at the sites of other projects subsequent to this decision needs to be addressed separate from this decision to renew the 10-year permit to graze livestock within the Garat Allotment.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDef02052015	41	<p>BLM fails to analyze any alternatives that apply mandatory conservative measures of livestock use on riparian and upland areas as triggers for livestock removal. Perhaps if the allotments were robustly meeting all standards of livestock use, then just slapping rough seasonal use periods on lands and cutting AUMs could be considered sufficient.</p>	<p>Alternative 3 of the Garat EA analyzed the use of mandatory performance requirements relative to the intensity of use of a variety of resources. Comments raised regarding the adequacy of the EA to support the decision have been addressed in responses to comments received from Ms. Fite (representing Western Watersheds Project) upon release for the preliminary EA on October 8, 2014. Comments received from Ms. Fite regarding the adequacy of the EA with responses were attached as Appendix L to the completed EA that was released to the public when the proposed decision was issued on January 16, 2015.</p>
	42	<p>Wilderness - The permittee Alternatives and numerous permittee proposals (including the absurdly high levels of Wilderness motorized use) should never have been analyzed</p>	<p>The permittee requested authorization to use motorized and mechanized equipment during the maintenance of projects within the designated Owyhee River Wilderness. Alternative 2 considered and analyzed in the EA is the actions identified in that application. Consistent with the NEPA, the BLM analyzed a range of alternative actions to authorized motorized and mechanized methods to maintain these projects. That range of alternatives also includes no authorization to use motorized or mechanized methods. The proposed decision to renew the permit to graze livestock within the Garat Allotment did not respond to the request to use motorized and mechanized methods, the BLM will respond to that request in a separate decision.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDef02052015	43	Further, nowhere in the analysis does BLM account for the much heavier weight of modern day range cattle - a half ton or more.	The BLM did consider the larger size of beef cattle as compared to the industry standard 1000 pound cow that requires approximately 800 pounds of forage per month. A growing set of sources indicate that beef cattle today are larger than the 1000-pound standard that has been used for decades. The BLM considered the amount of forage necessary to support one animal unit for a month to be 1000 pounds, an approximate amount that includes both that forage consumed and that forage damaged in the process of grazing. Please refer to page 36 of the EA where the rationale for defining the active use authorized under Alternative 4 is presented.
WldLndsDef02052015	44	Alt 4A allows grazing of 10,550 AUMs, which significantly exceeds the actual use in several recent years. Clearly, greater AUM cuts are needed- with much-reduced cattle numbers in any lands that might continue to be grazed. It also jettisons the injunction riparian protections, and the protections (albeit insufficient) of the 2013 FD	While the authorized active use of 10,350 AUMs in the Garat Allotment under the decision exceeds the actual use reported between 2012 and 2014, it is a reduction when compared to actual use reported in all other years since 1986 when only 9,190 AUMs of use was reported. In addition and as stated in the proposed decision, implementation of a grazing schedule with appropriate seasons of use as well as the reduction in authorized active use AUMs will allow progress toward meeting the Idaho S&Gs and ORMP objectives. Please see the response to protest point WWP-4 which states that Alternative 4 of the Garat Allotment Livestock Grazing Permit Renewal Final Environmental Assessment (DOI-BLM-ID-B030-2014-0015-EA) included the constraint to grazing use of no more than 1 year in 3 years during mid-summer (July 1 to September 15) in pastures containing managed reaches of Piute Creek. This constraint with reductions in the number of livestock and AUM of active use authorized was found in the analysis of the

Protest ID	Protest Point No.	Protest Text	Protest Response
			alternative to be adequate terms and conditions of the permit to meet the ORMP limits to intensity of grazing use.

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDef02052015	45	It is also inexplicable how BLM could acknowledge (as in EA Alt. 3) that utilization on native bunchgrasses bluebunch wheatgrass needs to be capped at 20% with spring use - yet issue a proposed decision that allows a whopping and severely damaging archaic 50% utilization- all measured at trend sites far away from any areas of more intensive livestock use.	While Alternative 3 allows frequent grazing use of pastures during the active growing season (May 1 to June 30) and limits the intensity of grazing use with a maximum allowable utilization level of 20 percent, Alternative 4 limits the frequency of active growing season use to no more than one year in each three years cycle of the grazing schedule. Also, please see the response to protest point WWP-5 which states that the maximum allowable utilization established in the ORMP for upland vegetation communities is 50 percent. Although this maximum allowable utilization limit was carried forward into the terms and conditions of the permit that will be authorized, the anticipated level of utilization under Alternative 4A of the EA that was selected as the decision will result in actual utilization levels that are less than the current situation utilization levels that have been less than the 50 percent maximum (EA Appendix B, Table B-2), as presented in the analysis of the alternative (EA page 87). Lighter levels of utilization will result from the reduction in the number of livestock and active use AUMs authorized with the decision.
WldLndsDef02052015	46	We Protest the failure of the EA, PD and FONSI to properly regulate and control grazing adverse impacts on rare plants and native vegetation communities.	Analysis of the impact of implementing Alternative 4A on special status plants at page 122 of the EA states that special status plant species and vegetative vigor of native perennial bunchgrasses would be maintained or increased.

Protest ID	Protest Point No.	Protest Text	Protest Response
WildLndsDef02052015	47	<p>We are glad to see BLM acknowledge climate change stress. BLM's acknowledgment here should have then resulted in BLM taking a critical and hard look at whether sage-grouse habitats, pygmy rabbit habitats, extremely rare and highly degraded riparian/mesic areas, the bighorn sheep ACEC within Garat, for example, can withstand any additional grazing disturbance stress in many areas of Garat - given the high degree of existing grazing-caused desertification- on top of which is now added climate change stress.</p>	<p>As noted in the decision and as summarized in the analysis of the EA, Alternative 4A's combined seasons, intensities, and durations of livestock use promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on the Garat Allotment will be better armed to survive such changes under Alternative 4A.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDcl02052015	48	<p>4180 requirements; Idaho S&G - BLM is required to comply with the Fundamentals of Rangeland Health, and the 2015 PD's loose uncertain, high and also completely unchecked use levels and conflicting seasons of use with rare species needs fail to do so.</p> <p>We Protest this</p>	<p>A summary of the Idaho S&Gs not met in the Garat Allotment at page 9 of the EA states that the Idaho Standards for Rangeland Health not met in the Garat allotment include 1 - Watersheds, 2 - Riparian Areas and Wetlands, 4 - Native Plant Communities, and 8 - Threatened and Endangered Plants and Animals. Standard 7 - Water Quality is met. Standards 3 - Stream Channel/Floodplain, 5 - Seedlings, and 6 - Exotic Plant Communities Other than Seedlings do not apply to the Garat allotment. Historic livestock grazing management practices and wildfire are causal factors for failing to meet Standard 1, while current livestock grazing management practices are significant factors in failing to meet Standards 2, 4, and 8. Livestock management practices do not conform to Idaho Guidelines for Livestock Grazing Management 4, 5, 8, 9, 12, and 20. Analysis of the impacts to resource values in the EA conclude that progress would be made toward meeting the standards not met due to current livestock management practices under Alternative 4A, a conclusion also stated in the proposed decision at page 26.</p>
WldLndsDcl02052015	49	<p>Terms and Conditions - The PD tries to claim that it is quite different from the existing situation. In fact, how grazing would occur under the PD is largely like the way grazing has actually been occurring.</p>	<p>The proposed decision changes the grazing schedule in significant ways, reduces the number of active use AUMs authorized, and reduces the number of cattle authorized within the Garat Allotment, all significant changes from the current terms and conditions of the permit.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDef02052015	50	<p>BLM has not shown that it can graze several hundred cattle plus calves on the drainage networks and riparian areas, especially without any prolonged rest to jump start recovery and without any protective use standards at all, and not cause the continued loss. BLM has not reviewed the full range of past information (including 1990s and other era riparian studies). BLM has ignored current science on riparian area grazing- including that provided in the original 1990s WWP-CHID lawsuit.</p>	<p>The rangeland health assessment, the evaluation, the determination, and the environmental assessment for the Garat Allotment considered available information, current literature, and analysis applicable to riparian resources present within the allotment before selecting Alternative 4A as the proposed decision. The proposed decision will allow the Garat Allotment to meeting Standards 2 and 7 and the ORMP objective to maintain or improve riparian areas to attain proper functioning and satisfactory conditions into the future, as stated on page 19 of the proposed decision.</p>
WldLndsDef02052015	51	<p>Adaptive Management - As conditions deteriorate under the BLM's Decision, and BLM has established no specific required degree and levels of improvement, and no thresholds of adverse change that will trigger science-based effective responses (such as closure of pastures or other actions). There are no specific targeted and required actions so any informed, science-based adaptive management can take place. There are no checks and balances.</p>	<p>Analysis of Alternative 4A in the EA and as summarized in the proposed decision rationale, pages 17 to 26, leads to the conclusion that progress toward meeting the Idaho S&Gs not met due to current livestock management practices and that the ORMP objectives would be met. The term of the permit offered is ten years, at which time the permit renewal process will require the BLM to assess and evaluate the success of the terms and conditions of this renewed permit. Resource monitoring through the life of the permit and observations during compliance inspections will be used to inform the BLM of any need to adjust terms and conditions prior to the end of the term of this permit.</p>
WldLndsDef02052015	52	<p>We Protest the PD's failure to get rid of suspended AUMs.</p>	<p>Please refer to the response to protest point WWP-3.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDef02052015	53	<p>Active AUMs - We Protest BLM's failure to stock lands based on the level of livestock use that can be sustained without causing environmental harm during drought. BLM has failed to conduct a valid carrying capacity, production (based on the plants that it measures as being eaten by cows as well as all the never-measured "collateral damage" to sage, Poa, crusts, riparian/mesic area, etc.), and capability and suitability analysis.</p>	<p>Active use AUMs authorized under the proposed decision were defined in a manner that will allow progress toward meeting the Idaho S&Gs and will meet the ORMP objectives as concluded in the analysis of Alternative 4A in the EA and the proposed decision. Stocking rates for pastures of the Garat Allotment are defined under Alternative 4 at page 36 of the EA. Analysis of impacts to public land resource values under Alternative 4A are presented in chapter 3 of the EA. Alternative 4A was selected as the decision based on the rationale provided in the decision.</p>
WldLndsDef02052015	54	<p>Turnout criteria - BLM must establish protocols to prevent turnout in pastures during drought conditions, or when there is lack of sustainable forage or when sensitive species populations decline.</p>	<p>Range-readiness criteria are implemented to avoid impacts from grazing use that occur due to limited early season growth of forage species and due to soil conditions that would lead to unacceptable compaction and disturbance. Adjustment of livestock management practices within the terms and conditions occur as the grazing season progresses and not only prior to livestock turnout. Please see Appendix J Range Readiness Criteria.</p>
WldLndsDef02052015	55	<p>Microbiotic crusts - The PD, as its predecessor, fixates on only some vegetation community attributes, and particularly herbaceous cattle forage. It glosses over the vital role of microbiotic crusts in preventing soil erosion in wind and water and preventing weed invasions.</p>	<p>Although the proposed decision summarizes the issues addressed and the rationale for the selection of Alternative 4A, the EA contains a thorough analysis of impacts under the various alternatives. The analysis under Upland Watersheds and Soils addresses the affected environment and impacts of actions under each alternative relative to microbiotic crusts.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WildLndsDef02052015	56	<p>There are only two known leks with more than a hand full of birds. From sign of grouse use and the configuration of the land, there may be another lek or two in association with larger playa areas. Even if there are some additional leks, this is an alarming absence of leks for such a vast area, and WLD is greatly concerned the same harmful grazing periods, which would be carried forward under the PD, are in large part responsible for this. We are also concerned that the incessant late winter-spring movement of cattle across this landscape is a primary reason, and that BLM Has not studied seasonal habitat use and importance as wintering, nesting and other habitat to birds from leks in adjacent lands. We Protest this.</p>	<p>Although current information identify a limited number of sage-grouse leks within the Garat Allotment, Map WDLF-3, Grouse Lek and Habitat Overview for the Garat Allotment, delineates preliminary priority habitat in all pastures of the allotment. Alternative 4A, selected as the decision, implemented constraints to seasons of grazing use for all pastures to limit the frequency of livestock grazing during the during the sage-grouse breeding season (April 15 through June 15). Analysis of Alternative 4A concluded that livestock management practices would allow progress to be made toward meeting the Idaho Standard 8 for special status wildlife species, including sage-grouse.</p>
WildLndsDef02052015	57	<p>Grazing Use Flexibility - There is no clarity at all regarding specific use periods once one reads the confusion in the text. This invites the ranchers to make up for any AUMs being cut by moving cows very slowly, confusingly, and seeking endless "flexibility".</p>	<p>The proposed decision at pages clearly defines the three-year grazing rotation that will be implemented in Table 5 on page 15. This schedule implements the constraints to seasons of use used to develop Alternative 4A, the selected alternative (see Table ALT-10 on page 35 of the EA). Flexibility in pasture move dates is provided in the decision so long as these constraints are implemented. Terms and conditions of the renewed permit identify the number of active use AUMs authorized which is a reduction from the past permit. The flexibility provided in the grazing schedule does not provide</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
WldLndsDef02052015	58	<p>Permit terms and conditions - BLM appears to have provided the permittee with a near-perfect decision for ending up actually grazing as many cattle as are currently authorized, but covering it up with an on-paper reduction.</p> <p>The illusory changes to terms and conditions of the renewed permit that is alleged is not consistent with the terms and conditions of the renewed permit and the decision. The renewed permit implements a reduction in active use AUMs, a reduction in cattle numbers, and implements a grazing schedule that will allow progress to be made toward meeting the Idaho S&Gs that are not met due to current livestock management practices. In addition, the decision will meet the management objectives of the ORMP for all applicable resources.</p>	

Protest ID	Protest Point No.	Protest Text	Protest Response
WildLndsDef02052015	59	<p>We Protest the tremendous lack of site-specific information on livestock degradation and destruction of cultural sites and resources. In order to properly assess the impacts of livestock grazing, BLM must provide baseline site-specific information on areas where livestock grazing, trampling and soil churning and related erosion and manure deposition and facilities/development are damaging cultural resources.</p>	<p>The release of site-specific information to the public concerning the nature and location of any archaeological resource is contrary to Section 9 of the Archaeological Resources Protection Act (ARPA). Sites which may be at risk due to livestock congregation are monitored in accordance with the State Protocol Agreement between the Idaho State Director of the BLM and the Idaho State Historic Preservation Officer. No known site location is within a 100 meter diameter of a range improvement or an identified livestock congregation area and there is no evidence that sites which are potentially eligible for inclusion to the National Register of Historic Properties (NRHP) are experiencing any effects that would diminish their qualifying characteristics. There are no NRHP-listed sites on BLM land in the Garat allotment and there are no known paleontological sites. Range improvement projects constructed prior to the passage of the National Historic Preservation Act (NHPA) and not having been survey according to Section 106 of the Act will be inventoried in accordance with the Idaho BLM/Idaho SHPO protocol agreement. The mere presence of livestock on a landscape cannot presuppose damage or negative effects to cultural resources. Previous sites monitoring over several years have shown that dispersed livestock create limited impacts to cultural sites. Serious impacts to significant sites from any cause are appropriately mitigated according to law and BLM policy.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
OwyheeCounty201502	60	To the maximum extent consistent with statutory and regulatory law, BLM is compelled to engage in coordination with Owyhee County to resolve the inconsistency in treatment and use of range improvement.	<p>The BLM reads the order in Petan Co. v BLM differently than the County reads the order. The BLM understands the conclusion of the order that the Group 1 EA failed to consider and analyze the use of range projects as part of an alternative, or the BLM failed to provide rationale for not considering projects. One of the principle reasons that BLM did not consider projects in detail in the Group 1 EA was because the BLM and Petan had discussed the issue and Petan indicated/agreed that the BLM would not analyze (consider) proposed projects during permit renewal. Petan changed the perspective in litigation and argued that they never agreed with BLM's approach to consider and analyze Petan's proposed projects subsequent to permit renewal.</p> <p>When the BLM needs to take an action that may affect the environment, it starts by defining the purpose and need for action. According to regulations outlined by the Council for Environmental Quality, the purpose and need must "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives, including the proposed action." The purpose and need for action focuses the agency's efforts on a particular task, and therefore it determines the scope and focus of the project, as well as the sideboards of the alternatives analysis. Once an agency outlines the purpose and need, it need only consider alternatives that would meet the purpose and need. When formulating the purpose and need for action for the Garat Allotment EA, the BLM considered a number of factors. On the one hand, it considered the requests of the permittee to</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
			<p>implement new range improvements and the fact that range improvements are one tool available to the BLM to manage rangelands. On the other hand, the BLM considered that many range improvements have already been implemented on the Garat allotment, and that the plain language of the 1999 ORMP counsels against new range improvements whenever possible. The BLM recognized the number of existing projects within the allotment, projects that would continue to be maintained to implement grazing management practices under the renewed permit. The BLM also considered that much of the Garat allotment overlapped with important sage-grouse habitat. This was important because the ongoing sage-grouse RMP Amendment process for Idaho and Southwest Montana is considering RMP amendments that would significantly restrict and/or preclude new infrastructure to protect sage-grouse. The ongoing sage-grouse RMP Amendment process was a critical consideration, because the BLM recognized that a decision to implement new range improvements on the Garat allotment would likely undermine alternatives considered by the BLM Idaho State Director and Department of the Interior as part of the national RMP amendment process. The BLM did not want to take implementation action that undercut important ongoing sage-grouse conservation objectives. In addition, the BLM considered other factors identified in section 2.6.3 of the preliminary EA when formulating the purpose and need for action for the Garat Allotment EA. Based on those factors, the BLM decided to narrow the purpose and need of the</p>

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		permit renewal process to preclude consideration of new infrastructure and range improvements.	

Protest ID	Protest Point No.	Protest Text	Protest Response
OwyheeCounty201502	61	<p>BLM must correct the Garat economic impact analysis to reflect current economic data and present it in a form that accurately and adequately informs the public of the effects of the proposed decision.</p> <p>BLM must correct the cumulative economic impact analysis to reflect the reality of current economic data and a true accounting of the loss of AUM resulting from the grazing schedules, terms and conditions and restrictions on use of private grazing resources.</p>	<p>Appendix K in the EA prepared for the Garat Allotment explained the model used by the BLM to calculate the potential economic impacts—both direct and cumulative—of each of the analyzed alternatives and acknowledged and analyzed the effects of the other recent grazing decisions in Owyhee County. The model and analysis are sound and, as is the case with any model, certain assumptions had to be made based on the best available data at the time the model was run (for example, the current price of replacement hay or the current market value of a calf or cow). The BLM will more thoroughly explain the model it used and will incorporate the most recent economic data, i.e., the updated Regional Economic Impact Model of Owyhee County.</p> <p>The Owyhee County Commissioners' concern over the potential economic impacts—both direct and cumulative—of BLM grazing decisions is a concern that BLM takes seriously. The economic analysis conducted by the BLM in evaluating the various alternatives is arguably one of the most detailed for any BLM grazing decision but it still requires certain assumptions be made. For example, the value of economic activity of each AUM and the potential impacts to the local community assumes the local community is Owyhee County (the broader community being the state of Idaho). Obviously, the Owyhee County Commission agrees with this assumption; however, the BLM believes—but without detailed receipts and accountings from the permittee cannot show—that some portion of the economic activity generated by this grazing permit is in Elko County, Nevada given that the Petan</p>

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		<p>Company of Nevada, Inc. is registered as a Nevada business with a base of operation at Tuscarora, Nevada and that the allotment is somewhat geographically isolated from much of the Owyhee County retail and commercial businesses.</p> <p>The model also calculates economic value based on permitted AUMs which in recent years is greater than the actual AUMS used on this allotment. Therefore, the economic value and impact to Owyhee County is in all likelihood lower than either the BLM or the Owyhee County Commissioners project. A permitted but unused AUM may provide an economic benefit to the permit holder in terms of additional collateral against loans, however it does not provide any economic benefit to the community through infusion of actual dollars into local businesses. In other words, if all of the authorized active AUMS went unused then there would be no wages paid to employees associated with the public land grazing authorization, no purchase or maintenance of equipment, no gas station fill-ups, no meals purchased from local restaurants, no deposits made into local banks, etc. and so the unused portion of the permitted AUMs likewise does not provide economic benefit to the local community.</p> <p>Economic information provided by the County in the 2014 Regional Economic Impact Model of Owyhee County was used to update section 3.1.3-Economic and Social Values of the Garat Allotment Livestock Grazing Permit Renewal Environmental Assessment (DOI-BLM-ID-B030-2014-0015-EA). Specifically, reference to the 1999 version of the Owyhee County model was updated to the 2014</p>	

Protest ID	Protest Point No.	Protest Text	Protest Response
			<p>version and tables SOCE-12, SOCE-13, and SOCE-14 were updated. These data and updated socioeconomic information were considered in reaching the final decision.</p>

Copies sent to:

Name	Attention	Address	City	State	Zip code
Dr. Chad Gibson		16770 Agate Ln.	Wilder	ID	83676
Alan Johnstone		2740 Egurrola Lane	Homedale	ID	83641
Animal Welfare Institute	Andrea Lococo-Reed	1363 Overbacker Ct.	Louisville	KY	40208
Anthony & Brenda Richards		8935 Whiskey Mtn. Rd.	Murphy	ID	83650
AT&T GRE Lease Administration	One AT&T Way	Room 1B201	Bedminster	NJ	7921
Bill Baker		PO Box 127	Murphy	ID	83650
Blaine Collett		25804 Collett Road	Oreana	ID	83650
Bob and Carol Bruce		PO Box 94	Jordan Valley	OR	97910
Boise District Grazing Board	Stan Boyd	PO Box 2596	Boise	ID	83701
Brian Collett		24777 Collett Road	Oreana	ID	83650
Brian McDevitt		967 Parkcenter Blvd., PMB#280	Boise	ID	83706
C Ranch	Jack Payne	1500 Lazy Heart Ln.	Fallon	NV	89406
CCDF Star Valley Ranch LLC		PO Box 9080	Ketchum	ID	83340
CE Bracket Cattle Company		PO Box 111	Rogerson	ID	83302
Chris Black		30709 State Hwy 51	Bruneau	ID	83604
Cindy Bachman	Soil Conservation District	PO Box 186	Bruneau	ID	83604
Citizens Telecom		PO Box 127	Homedale	ID	83628
Cody & Polly Baldwin		300 N. 2nd Ave. West	Middleton	ID	83644
Committee for Idaho's High Desert	c/o Pam Marcum	PO Box 2863	Boise	ID	83701
Craig and Rhonda Brasher		4401 Edison Road	Marsing	ID	83639
Craig Gillespie		26800 Cattle Dr.	Bruneau	ID	83604
Dale Berrett		3540 Hwy. 95	Jordan Valley	OR	97910
Darlene Metzer		3173 Johnstone Road	Homedale	ID	83628
Dennis Stanford		PO Box 167	Jordan valley	OR	97910
Donald Freeburg 1976 Trust		801 N. Brand Blvd. #1010	Glendale	CA	91203
Donna Bennett		573 N. Bennett Road	Grandview	ID	83624
Ed Moser		22901 N. Lansing Ln.	Middleton	ID	83644-6053
Ed Wilsey		16550 Hwy. 95	Marsing	ID	83639
Edwina Allen		2114 Ridgecrest Dr.	Boise	ID	83712
Elordi Cattle Co.	Jim Elordi	PO Box 552	Jordan Valley	OR	97910
Estate of Charles Steiner	John Steiner	24597 Collett Road	Oreana	ID	83650
Executive Office of the Governor		Statehouse Mail	Boise	ID	83720
Floyd E. Breach		9674 Hardtrigger Rd.	Given Springs	ID	83641
Gayle B. Poorman		5230 North Black Road	Meridian	ID	83646
Gem Highway District #3		PO Box 453	Marsing	ID	83639
Gem Irrigation District		PO Box 67	Homedale	ID	83628
Gene M. Gray		2393 Watts Lane	Payette	ID	83661
Glenda Gammett		815 McBride Road	Jordan Valley	OR	97910
Glenns Ferry Grazing Association		PO Box 342	Kuna	ID	83634
Idaho Outfitters & Guides Assn.	Grant Simonds	PO Box 95	Boise	ID	83701
Hall Family Ranch		30887 Hot Springs Road	Bruneau	ID	83604
Hanley Ranch		PO Box 271	Jordan Valley	OR	97910
Herb Meyer		570 E. 16th N.	Mountain Home	ID	83647
Idaho Cattle Association	Wyatt Prescott	2120 Airport Way	Boise	ID	83715
Idaho Conservation League	John Robison	PO Box 844	Boise	ID	83701
Idaho Department of Transportation		PO Box 8028	Boise	ID	83707-2028
Idaho Dept. of Environmental Quality	Danielle Robbins	1445 N. Orchard	Boise	ID	83706
Idaho Dept. of Environmental Quality	c/o Leslie Freeman	1410 N. Hilton	Boise	ID	83706
Idaho Dept. of Fish & Game	Bob Martin	3101 S. Powerline Rd.	Nampa	ID	83686
Idaho Dept. of Fish & Game		600 S. Walnut	Boise	ID	83707
Idaho Dept. of Lands	Attn: Kurt Houston	PO Box 83720	Boise	ID	83720-0050
Idaho Dept. of Lands	Grazing Program Manager	300 N. 6th St., Ste. 103	Boise	ID	83720-0050
Idaho Dept. of Lands	SW Idaho Area Office	8355 State St.	Boise	ID	83703
Idaho Farm Bureau Federation	c/o Judy Bartlett	PO Box 167	Boise	ID	83701-0167
Idaho Power Company		PO Box 70	Boise	ID	83707
Idaho Rivers United		PO Box 633	Boise	ID	83701

Name	Attention	Address	City	State	Zip code
Idaho State Dept. of Agriculture	Division of Animal Industries	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707-9985
Idaho State Historic Preservation Office	Attn: Ken Reid	210 Main St.	Boise	ID	83702
Idaho Wildlife Federation	Attn: Kent J. Laverty	PO Box 6426	Boise	ID	83707
Ireland Ranches		153 NE Ake Drive	Mountain Home	ID	83647
J.R. Simplot Company	Livestock Division	1301 Hwy 67	Grandview	ID	83624
JD Edwards		15804 Tyson Rd.	Murphy	ID	83650
Jeff Anderson Estate Inc.		4385 Sandhollow Road	New Plymouth	ID	83655
Jerry Hoagland		13528 Reynolds Creek Rd.	Wilson	ID	83641
Joe Black and Sons		PO Box 67	Hammett	ID	83627
Joe Parkinson		123 W. Highland View Dr.	Boise	ID	83702
John Anchustegui Jr.		3054 E. Rivernest Drive	Boise	ID	83706
John Townsend		8306 Rd. 3.2 NE	Moses Lakes	WA	98837
Karen Steenhof		18109 Briar Creek Road	Murphy	ID	83650
Kathryn E. Alder		6522 Baseline Road	Melba	ID	83641
Land & Water Fund	Laird Lucas	PO Box 1612	Boise	ID	83701
Lequerrica & Sons Inc.		PO Box 135	Arock	OR	97902
Les Hatch		34871 Hot Creek Road	Bruneau	ID	83604
Lloyd Knight		Po Box 47	Hammett	ID	83627
LU Ranching Company	Bill Lowry	PO Box 415	Jordan Valley	OR	97910
LU Ranching Company	Tim Lowry	PO Box 132	Jordan Valley	OR	97910
Martin & Susan Jaca		21127 Upper Reynolds Creek Rd.	Murphy	ID	83650
Marty Marzinelli		1079 N. Torrey Pines	Eagle	ID	83616
Juniper Mtn. Grazing Assoc. LLC	Michael Stanford	3581 Cliffs Road	Jordan Valley	OR	97910
Miller Land Company		PO Box 59	Melba	ID	83641
Mindy Kershner		2904 Jones Rd.	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul A. Turcke	950 W. Bannock St., Ste. 250	Boise	ID	83702
Morgan Properties		PO Box 277	Jordan Valley	OR	97910
Nevada Department of Wildlife	Steve Force	60 Youth Center Rd.	Elko	NV	89801
Northwest Pipeline Co.		PO Box 58900	Salt Lake City	UT	84158-0900
Office of Species Conservation	Cally Younger	304 N. 8th St., Ste. 149	Boise	ID	83702
Oregon Idaho Utilities		PO Box 1880	Nampa	ID	83653
Owyhee Cattlemen's Association	Scott Jensen	PO Box 400	Marsing	ID	83639
Owyhee County Commissioners		PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim Desmond	PO Box 128	Murphy	ID	83650
Owyhee County Road and Bridge District		PO Box 128	Murphy	ID	83624
Owyhee Farm Bureau Fed	John W. Richard	8933 State Hwy. 78	Marsing	ID	83639-8206
Owyhee Planning & Zoning	Connie Brandau	9902 Wilson Cemetery Ln.	Wilson	ID	83641
PaciFiCorp	Attn: Rights-of-Way	825 NE Multnomah Street, Suite 1700	Portland	OR	97232
Payne Family Grazing Association LLC	Ted & Dorothy Payne	41691 Juniper Mountain Road	Jordan Valley	OR	97910
Petan Co. of Nevada - YP Ranch	John Jackson	HC 32 Box 450	Tuscarora	NV	89834
Phil Ryan		4200 W. South Slope	Emmett	ID	83617
Poison Creek Grazing Association LLC	Tim Mackenzie	PO Box 443	Homedale	ID	83628
Raft River Electric Coop.		PO Box 617	Malta	ID	83342
Ralph K. Richardson		11496 King Way	Boise	ID	83713
Richard Raymondi		5670 Collister Dr.	Boise	ID	83703
Rick & Rena Britton		4304 Hogg Rd.	Homedale	ID	83628
Rose King		PO Box 36	Murphy	ID	83650
Russ Heughins		10370 W. Landmark Ct.	Boise	ID	83704
Sara Braasch Schmidt		PO Box 16468	Boise	ID	83715
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Stephen Miller		451 E. Glendale Ave.	Phoenix	AZ	85020
Strickland YT Ranches Inc.		29973 Hot Springs Road	Bruneau	ID	83604
Ted Blackstock		6754 Opaline Road	Given Springs	ID	83641

Name	Attention	Address	City	State	Zip code
Shoshone-Paiute Tribes	Ted Howard	PO Box 219	Owyhee	NV	89832
The Nature Conservancy	Attn: Lou Lunte	950 W. Bannock, Ste. 210	Boise	ID	83702
The Wilderness Society	Attn: Craig Gehrke	950 W. Bannock St., Ste. 605	Boise	ID	83702
Thomas Gluch		PO Box 257	Jordan Valley	OR	97910
Tindall & Sons Ranch LLC		48382 State Hwy. 51	Bruneau	ID	83604
Tom & Carmen Buckingham		31195 Hot Springs Road	Bruneau	ID	83604
Tommy Moore		PO Box 237	Jordan Valley	OR	97910
U.S. Air Force		1030 Liberal Street, Bldg. 1300	Mountain Home AFB	ID	83648
US Congressman Mike Simpson		802 W. Bannock St., Ste. 600	Boise	ID	83702
US Congressman Raul Labrador		33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
US Fish & Wildlife Service	Mike Carrier	1387 S. Vinnell Way	Boise	ID	83709
US Senator James E. Risch	c/o Mike Roach	350 N. 9th St., Ste. 302	Boise	ID	83702
US Senator Mike Crapo		251 E. Front St., Ste. 205	Boise	ID	83702
USDA Farm Services	Toni Williams	9173 W. Barnes, Ste. B	Boise	ID	83709
Vernon and Kenneth Kershner		PO Box 300	Jordan Valley	OR	97910
Weldon Branch		3621 N. Crane Rd.	Midvale	ID	83645
Western Lands Project		PO Box 95545	Seattle	WA	98145
Western Watersheds Project	Ken Cole	PO Box 2863	Boise	ID	83701
Western Watersheds Project	Travis Bruner	PO Box 1770	Hailey	ID	83333
Wilderness Watch		PO Box 9175	Missoula	MT	59807
Wildlands Defense	Katie Fite	PO Box 125	Boise	ID	83701
Wintercamp Ranch Trust	Don Barnhill	PO Box 1	Murphy	ID	83650
Youngs Riverfront Ranch LP	J. Lavar Young	10547 Youngs Ln.	Melba	ID	83641

